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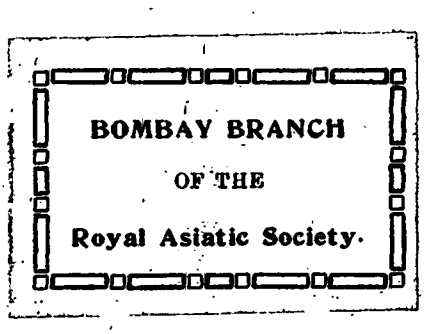

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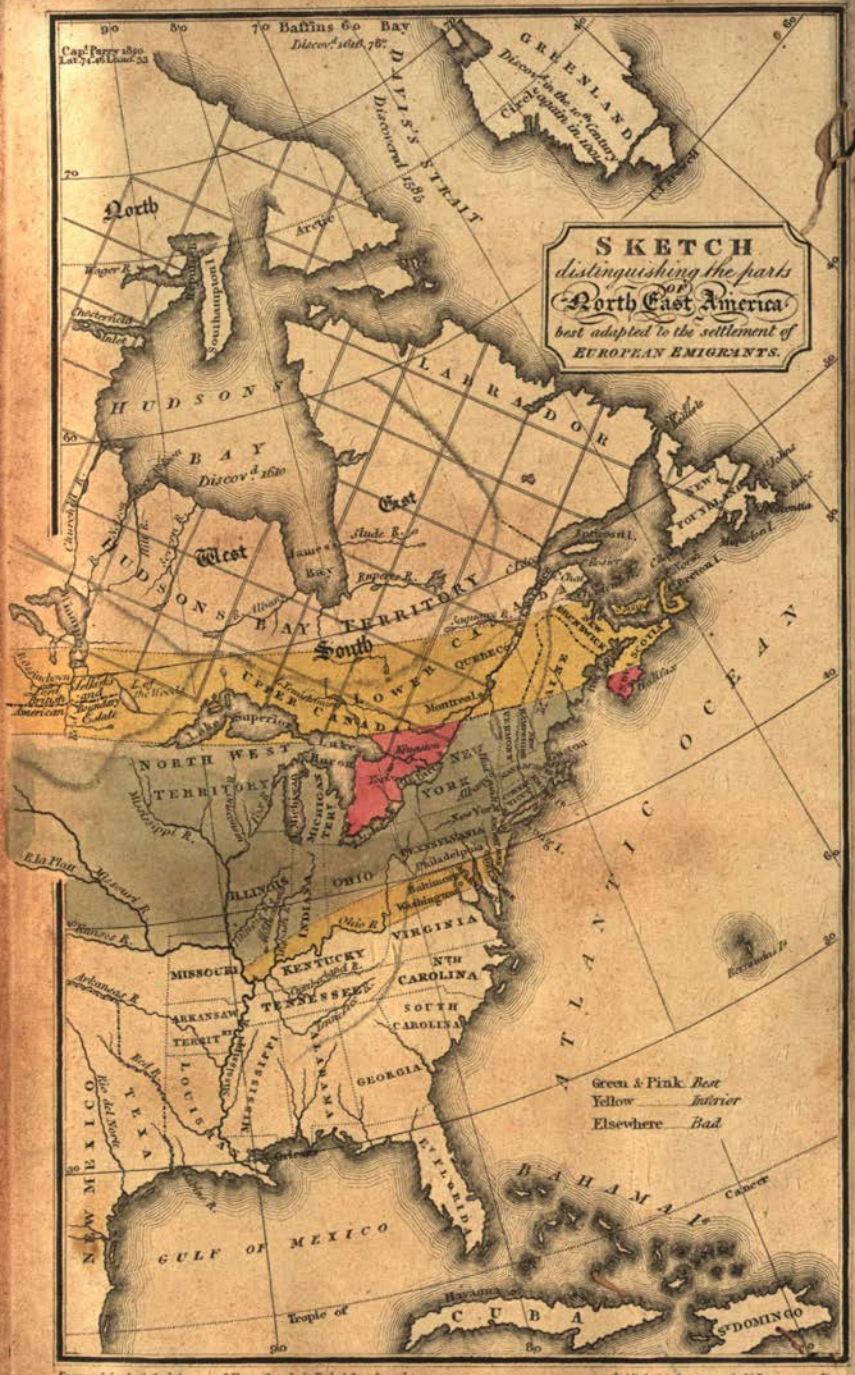

Engraved for Statistical Account of Upper Canada by Neele & Son Strand.

Published by Longman & Co. Paternoster Row.

921 47

Statistical Account of UPPER CANADA.

Compiled

With a View to a Grand System of

EMIGRATION,

By

Robt. Gourlay.

"Thy Spirit Independence let me share
Lord of the Lion heart & Eagle eye."

26039
ac

Drawn by Wm. McCraig

Engraved by Neele & Son 352 Strand

VOL. 2.

London

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JANY. 1ST 1822.

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EXPLANATION

OF

THE MAP,

&c.

THE Sketch Map, which fronts the Title of this Volume, was designed to have accompanied a little Work on Emigration, and a larger one, narrating my personal History, Travels in Canada, the United States, &c.; both of which should have appeared long before now, but for the melancholy and disastrous circumstances by which I have been surrounded and held down. Upon a future occasion, I shall refer to this Map. A few words will suffice to give it sufficient consequence where it is now placed.

The climate of America undergoes a great change, as we proceed from the sea, inland. The air becomes much more dry, and though the cold of winter, by the thermometer, increases, it is less disagreeable to the feelings; while the seasons throughout are improved. At Quebec the mercury falls to 30° below Zero, in winter. At Lord Selkirk's settlement, on the Red River, only a little further north, but far to the west, it falls to 50°. And Mr. Birkbeck has written to me from Illinois, that he "shrinks a little at the extremes of the climate, though the mercury has not yet fallen to Zero." The climate of Lord Selkirk's settlement is much superior to that of

the breath of slavery. From that I would always wish to be a hundred miles removed; and, perhaps, my excellent friend, Mr. Birkbeck, may yet be prevailed upon to meet me on the banks of Lake Erie. West of Albany, and from the 41° to the 45° of latitude, is unquestionably the best of all for the settlement of Europeans. Farther north, winter becomes too long and severe. Farther south, we not only approach to the abodes of slavery; but to pale faces, and bad teeth, yellow fever, and General Jackson*.

There is a tract yet to be noticed worthy of a British monarch's care. Captains Ross and Parry have conversed with the men of the distant north, and found them gentle and well disposed. Far beyond where vegetation has ceased, we find that the human species may be cultivated:—that, even there, we may increase and multiply. The idea gives expansion to the generous heart. It attunes in us a song of hope and praise to the Almighty, whose goodness waits only for that of his creatures. Let us then strive to excel in goodness, and lay the foundation of a scheme by which the vast regions now pointed to may be quickly and thickly peopled—peopled for the glory of Him "in whom we live, move, and have our being."

It was a saying, often repeated by my father, that "*the first improvement of any country should be the making of good roads;*" and in conformity with this maxim I have lined out roads over the yet trackless waste lands of the British crown. This may give a hint for commencing a work worthy of the greatest nation on earth—worthy of an age bursting forth into light, and literature, and liberty. So far as the British sceptre sways, even to the poles,

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* But yesterday this man has again been reported to us as playing the tyrant,—seizing the papers of the Spanish Ambassador, and throwing him into jail!! Will Americans again authorize his arbitrary decrees?

could we find footing, I would line out roads enclosing squares of a hundred miles; to be afterwards subdivided as circumstances required. No where need the cost be great. Safe bridle-ways would be sufficient, with comfortable inns at the end of every day's journey. Beyond the 60° of latitude, where neither bush nor tree would interrupt the route, little else would be required but posts within view of each other, bearing these words, "The highway of George IV." These posts should be of cast iron, manufactured at home, and carried abroad by ships now rotting in our harbours. The northern regions, divided into compartments, might, in a few years, be made to yield up their natural productions to infinite profit:—their fish—their furs—their minerals. The Esquimaux and Arctic Highlander might then be roused to action and enterprise;—they might speedily be made to feel advantage from pursuing the paths of industry; and, in the multiplication of their wants, be taught to add both to their own and our happiness;—be made to think, and feel, and know for what they were made—for what they were endowed with faculties above the brutes that perish. Yes, the making of roads might lead to wonderful improvements. By this, excitement may lead on to excitement; and activity be witnessed from pole to pole:—Yes, the making of good roads should be *the first improvement of every country*, and, now that I think of it, I shall dedicate this volume to the spirit of my father, than which a purer never visited the earth.

My father had a liberal education: was bred to the profession of law; and, after apprenticeship, practised it for thirteen years in Edinburgh. During this period, he purchased the estates of Scotstarvet and Broadleys; and by the sale of part of these, soon afterwards, had the remainder free. He also purchased up for a mere trifle, his elder brother's (a clergyman) patrimonial inheritance of Craigrothie, where our family has been domiciled genera-

tions out of count. After this, he married my mother, who was heiress of the small farm of Baltilly, in the parish of Ceres; and soon after, giving up his law business, devoted his whole time to the improvement of his land, and I may freely say, to that of the country. He was the most active of those who struggled hard against ignorance, for the introduction of turnpike roads into Fifeshire, about the year 1788. He lent the chief hand to making the Kennoway turnpike; the Kilmaron turnpike; the Glentarkie turnpike; and the Ceres and St. Andrew's turnpike; all in the county of Fife. He improved the soil of every farm he occupied to the utmost, and adorned every one with plantations of wood. I have traversed the island in every direction, yet never found one, who for such a period of years (upwards of 40), had pursued so liberal, and, to all appearance, so judicious a course of management. He was an adept in business; regular in every way, and indefatigable. In 1813 his land was worth upwards of £120,000, and his floating capital could not be less than £20,000. From what he told me, and from all appearances, I had reason to think him worth, at that time, nearly £80,000; yet, strange to say, before the end of 1815, his affairs were discovered to be embarrassed: he was brought to bankruptcy; and at this time only about 12s. in the pound have been paid to his creditors; a consummation to me altogether mysterious. Unfortunately, he would never communicate with any one as to the real state of his affairs, and both I and my brother, sixteen years younger, grew up to manhood in perfect ignorance of them. The confusion and waste, I believe, must have happened within the last six years of his management, when he was upwards of seventy years of age, become infirm, and liable to be imposed upon. Scripture tells us that threescore and ten years sum up the life of man, not of extraordinary strength; and, then, at farthest, every one should wind up his worldly affairs. My father unfortunately did not attend to this: all had

prospered with him beyond precedent up to that time of his life; and the hope that he might do more and more good to his family and the country was seductive. His love for improvement had been from the beginning a passion; truly laudable when kept within bounds. Beyond his seventieth year this passion increased: it became too strong; and herein was error, though venial. I am certain that a mean or a sordid idea never harboured in his breast. Nearly £20,000 of incumbrance now resting on his estate, sprung out of securities granted to a friend, and to the public roads of Fifeshire. He died in his eightieth year. Neither he nor any one of his family was given to extravagance, in personal gratifications. We always lived within our apparent means: fully, but not foolishly. I lost in Wiltshire upwards of £6000.; but the people of that county will witness to the cause. It had no concern either with extravagant living or mismanagement. My farming practice, for several years before I had to give in, was reduced to a perfect system. My servants, both Scotch and English, were truly exemplary. They were paid well, and worked hard, without either scold or scowl*.

* My servants carried the prizes for good ploughing again and again in Wiltshire, and I too had premiums from the Bath and Wiltshire Agricultural Societies, till I got sick of these worse than useless institutions, to expose the trifling and vanities of which I published in the Salisbury Journal of 21st Nov. 1814, the following Address, with challenges, which were never taken up.

TO FARMERS

Of the Hill Country of Wilts, Hants, and Dorset.

Could it avail, farmers! I should be glad to advise with you, at this time, as to the grand political causes which depress

The purchase and sale of my father's estates is worthy of

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agriculture, and threaten to overwhelm us; as well as of the best means whereby we might be able to cope with foreigners in open market. I should more earnestly do this, now, that parliamentary reports have come forth, stuffed with ex-parte evidence and self-imposing plausibility, manifesting a steady purpose on the part of landed proprietors to press upon the legislature selfish and factitious expedients, which will effect but a temporary remedy—which, in fact, taken alone, will tend ultimately to the increase of our grand national disease, and must immediately impose upon us, farmers, unmerited odium, if they do not embroil the country at large in trouble.

But my brother farmers have either not actually shaken off the fetters of vassalage, or the bare remembrance of the feudal tie is still too powerful for their imaginations. All attempts to induce them to touch the main springs of improvement,—to be virtuously independent, and to enlarge independence and security, would be vain. My present purpose, therefore, affects but the manual of agriculture, and here it is better to do a little than to be idle.

Whoever reaps the benefit of dexterity and skill,—whithersoever their productions may tend, there is ever in the development of these, something valuable and praiseworthy. Indeed, dexterity and skill, are, next to liberty, the best inheritance of a nation; and will be ever efficient in maintaining, when unobstructed, its respectability in the face of the world.

Agricultural Societies might have done good in this way, but their objects have never been sufficiently defined or substantial; and, respecting too little the grand principles which govern all men, they have invariably disgusted the practical farmer, attempting to lead him by the slender vanities,—by empirical pretensions and coxcombical exhibitions.

After a residence of five years in this country, there appears to me certain objects which admit of amendment. They will be embraced within the three following Challenges, which I throw out neither for gambling nor parade, but as sober and decisive means of establishing important facts.

record, as marking, strongly, changes of value in money and

The first I shall bring in course affects a practice by far the most glaringly wrong. I mean the abominable one of dragging out little boys eight or nine years old to drive horses at plough, even in the severity of winter, when they are positively a hindrance to the work.

Every nation looks with detestation and disgust to certain foreign practices. An Englishman would reprobate that of some who oblige their women to carry on their backs the manure to the fields; and would sicken at that of others whose luxurious repasts are previously chewed by their domestic servants; but he passes on his way at home, unconcerned, though at every step he may see the rising generation exposed to the surly blast, and soul and body stinted and shrivelled by premature toil.

The second Challenge regards the most material feature in perfect tillage—the cultivation of turnips. This I am the more ready to advance, as my own wavering and unsuccessful efforts for some years, gave rise, pretty generally, to an impression, that I had failed in the practice of drilling this crop. The fact is, that the Scotch method, which is by far the best on most soils, was found, by me, inadvisable on the chalk hills of Wiltshire; and, after many experiments, I am now confirmed in my present practice of drilling, which differs from the Scotch mode only as to the manner of applying the manure*.

The third Challenge must speak for itself: few parts of the island admit of such a contest; that which you occupy affords it peculiar scope, containing, in a greater degree than any other, an extent of soil, with climature, and other circumstances nearly similar.

Challenge 1st.—I engage to meet any of you half way, each bringing two ploughs, one drawn by two horses, and the other by

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* I carried the premium of the Wiltshire Society for growing the best Swedish turnips, upon my chalk bottom land, against a competitor on the best turnip soil in Wiltshire,—a sandy loam.

land; and will not be out of place in a statistical work, which gives evidence of the same kind in a foreign country.

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three or four, at your option, to work in the same field eight hours a day for six days, you having drivers to your horses and I none, for a stake of 20 guineas a plough, and all expences; to be determined by proper umpires, judging from quantity and quality of work conjointly: always understanding that the servants and horses shall be those now employed *bona fide* for the purposes of husbandry in their respective stations.

Challenge 2d.—I engage to grow drilled turnips against broadcast with any of you for a stake of 20 guineas. Each to point out 10 acres upon his own farm to be divided in halves, and these, by lot, to be appropriated to the cultivation of the drill and broadcast competitor, from the 1st of May; the land being previously manured equally, and ploughed twice.

Challenge 3d.—I engage to be one of 20 to subscribe 20 guineas a year for five years, to be funded regularly and applied as follows: Each subscriber to produce by the 1st of March, a plan of his farm, with an essay describing the course he is to pursue, and the reasons for the various measures he means to adopt. He whose plan and essay shall be judged the best, conjointly, to receive 200 guineas out of the fund; and the second best, 100; the remaining hundred to be appropriated to incidental expences. The farms to be inspected twice every year, viz. in June and October; and each year of the four last of the term, 200 guineas to be awarded to him whose farm is found in the best condition; and to the second best, 100; excepting, after the first award, the gainer of a first prize; and after the second, the gainer of two second prizes. At the end of the term, 200 guineas to be awarded to him, without exception, whose management through the whole period has been best; and 100 to the second best. The remaining fund to clear off incidental charges, among which should be included, the expence of publishing the prize plans and essays, together with the half-yearly reports, awards, &c.

Whoever may be willing to engage in any of the above chal-

Sootstarvet and Broadleys, which cost less than £4,000, were left clear by the sale of part, and afterwards sold, in 1818, for - - -	28,000
Craigrothie and Baltilly, part got by inheritance, and part by purchase, did not cost more than £3,300, and were sold, in 1818, for £17,300 -	14,000
Kilmaron cost £3,500, and sold, about 1805, for £20,000 - -	16,500
Pratis cost £6,900, and sold, in 1814 and 1817, for £24,900 - -	18,000
Glentarkie cost £15,000, about 1805, and sold, in 1817, for £26,000 - -	11,000
	£87,500

Had final sales been made in 1813, instead of 1818, I know, from offers refused prior to that time, when land was at the highest value, that these estates would have brought at least 25 per cent. more than they did bring. Kilmaron, purchased about 1783, and sold about 1805, was re-sold three years afterwards for £26,000: so that in a period of less than thirty years its value was nearly eight times increased, while no very expensive improvements were made upon it. The sale prices, above quoted, are accurate. The purchase prices I have stated above the truth, not knowing these exactly; and wishing to err on the safe side. Pratis, for instance, cost little more than £6000; but I have stated its cost at £6,900, to make an even sum of the balance.

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lenges, will have the goodness to give in his name to the Printers, or communicate directly with me within a month from this date.

ROBERT GOURLAY.

Deptford Farm, 21st Nov. 1814.

My father's great error lay in a belief that land would rise after peace, and there was no possibility of making him think otherwise. So early as the year 1807, I saw into this delusion, and entreated him by letter then, and year after year, up to 1814, to dispose of some of his land, and make himself secure. Nor was my opinion, as to what would happen after the war, registered in private letters only. In 1808, and on many occasions since, I have stated in print what I thought. In 1809 I took the farm of Deptford in Wiltshire, with a clear perception how things would go. I took it for twenty-one years, to pay a money-rent, viz. £600 annually for the first seven, and a corn-rent, viz. 1143 bushels of wheat, annually, for the remaining fourteen years; and at this hour, my lease is, I dare to say, the best in that county; the corn-rent being now calculated at the market price of wheat, and quite moderate, of course. This last year about £370.

Trusting to the credit which my father's apparent affluence afforded me, I laid out on Deptford farm £6000, even in the face of such a persecution as no other tenant ever had to contend with. While my landlord withheld from me cash, justly due for stipulated improvements, he distrained and sold my stock; and again distrained without the slightest necessity, even when my poor wife was left alone, and when not a farthing was due by the usage of the country. I offered a hundred times over to settle disputes by reference to neutral persons; but nothing save law would suffice, and in that I beat him at every point. I recovered £1425, detained while rents were extorted: besides the costs of three suits and several years interest on rents wrongfully exacted. I got possession of my money, long withheld, only a few weeks before I sailed for America. I put it into the hands of a friend, to distribute equally among my creditors; and my last act before going abroad, was offering to settle all by reference to gentlemen. I trusted that when my back was turned, this

offer would be accepted; but refusal followed me almost immediately to Upper Canada. I was then unwell, and unfit for travelling; or should immediately have come home. I entreated my friends to do their best for me, and report: but after I had foiled my enemy, what did my friends do? contrary to express instructions, and while there was no necessity whatever, they gave away my lease, worth £3000, even under the worst landlord in England, for nothing: they gave away my stock for half its value, and this half value, £1500, they put in bond, as security for the man to whom they had given away my lease!! I had *friends* who, with the scratch of a pen, could have saved me from destruction; but such truly were the doings of my friends!!

Never was I yet beaten, fairly, by an *enemy;* but, for my *friends*, I am no match. Up to the present moment, I am labouring for my friends. Only five days ago, I appeared with my counsel in the Court of Chancery, and had the satisfaction, on account of my friends, of finding, that my enemy had shrunk from the battle—that after keeping up the forms of an appeal for four years, his counsel had no brief!! What is to become of me, I know not; but of this I feel more and more confident, that it is duty to endure even to the last with patience.

When I came home from America, I found that a friend had laid for me the foundation of a suit in the Court of Session, Edinburgh; it was for a provision to my children, and I immediately carried on the suit. It was given in my favour in May 1820; but the agents employed against me immediately applied for another hearing, and on this other hearing I had again a decree in my favour, with costs, in December, 1820. The agents against me then laid a false statement before their employers, and took counsel in London as to going before the House of Peers. Their counsel dissuaded them from that; but still I am kept out of money wherewith to maintain my children,

though it has been due nearly for two years; and though I have made repeated offers to submit all disputes to neutral people, I must still be worried by lawyers, while my own has deserted me, after heaping confusion on confusion, that the bread may be taken from the mouths of my children; but still I shall be patient—and may God help me.

While I was residing in England, there were wretches so vile as to send anonymous letters to my father, to injure me in his eyes, and for a while they prevailed *. They did indeed, I believe, greatly add to his distraction; but ultimately they failed in disuniting father and son. Though for years my father had ceased to correspond with me, through evil influences, I wrote to him in the ardour of affection, upon hearing of his failure, and had a suitable

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* The inhabitants of Wiltshire will remember, that a malignant article was published in Simpson's Salisbury Gazette of January 30th, 1817, by way of critique on my pamphlet, entitled, "THE VILLAGE SYSTEM." This was sent to me in manuscript before it was printed, to provoke my attention, but without effect, for I thought it below notice; and when the Editor sent me a copy of his newspaper, in which it was inserted, I held it equally in contempt. Here, however, busy malice did not rest. The article was reprinted in the shape of a pamphlet, and sent for sale all over the country; while a copy was sent under cover of a frank to my father, clearly with a view to give him pain, and injure me in his eyes. My father, however, was by this time on his guard against wicked machinations. He ordered a copy of my "VILLAGE SYSTEM," and was well satisfied. This information was communicated to me by my brother after he came out to Canada. It gives evidence of a spirit of the most satanic kind, and welcome shall that spirit be to read this record. Simpson, the printer, must have been a mere agent in the business. A considerable sum of money must have been expended on the publication; and some *little* interest must have been employed to procure the frank.

return. His last saying of me was this—"he will hurt himself, but do good to others;" and I will repeat, that a purer spirit than that of my father never visited the earth.

London, November 8, 1821.

N. B. Without *further* explanation the reader may be apt to think that I have digressed strangely from an "EXPLANATION OF THE MAP." The first volume was printed before I had contemplated the publication of this one in connection with it; and in that volume, though I had repeatedly pointed to the parson of Little York, it was not my intention to have mentioned his name. Circumstances having induced me to change my plan, Dr. Strachan has had his history so far set forth in the General Introduction; but I was unwilling in that place to detain the reader too long with a disgusting subject; and am still to reserve for another occasion the grand exposé. In the General Introduction I have stated that Strachan in twelve pages of his book had told thirty-two falsehoods and thirty-eight untruths. My first volume gives contradiction to some of the most palpable of these: this volume contradicts others; and the above particulars of my own and my father's history pretty nearly make out the remaining proof; and will be quite sufficient to satisfy whoever has read "THE VISIT TO UPPER CANADA," that I was entitled to speak freely of "A MONSTROUS LITTLE FOOL OF A PARSON."

In my 3d volume, under the title, "*Quarterly Review and Doctor Strachan,*" the cream of the jest shall be served up. The 12 pages of scandal shall there be given at length; and every item of falsehood or untruth shall be referred to special facts for contradiction in the pages of these volumes; or in other writings of mine, both before

and after I was in Upper Canada. I am, indeed, strong in this kind of defence. For 13 years that I have submitted my opinions and statements to the public in print, I have invariably attached to these my name; and in every transaction, whether concerning business or character, I have uniformly been in the habit of keeping regular files of vouchers. If I ever made mistake, I should be most happy to be corrected: if I ever did any one an injury, I should be most happy to repair that injury, by apology or otherwise. The villain Strachan, in his "VISIT TO UPPER CANADA," has spoken of *falsehoods* which I published in Upper Canada. I am here at home, before my country, and dare the whole earth to convict me of falsehood either in word or act. I have brought home every scrap of print which I published in Upper Canada, and if the public calls for it, every syllable of this shall be published here. It was a shame for the Quarterly Review even to notice such a weak and palpably malignant production as the "VISIT TO UPPER CANADA," and my notice shall be directed to it, only to expose the vile system of iniquity in provincial government, which the Quarterly Review seems willing to maintain, even by taking by the hand such a contemptible miscreant as Strachan!!!

The first of the 32 falsehoods told by Strachan to injure me is, that I was "*turned out of my father's house:*" this is so totally destitute of truth that I know not where the liar could find for his lie even a shadow of excuse.

The only plausible scandal in his budget is, that I was "expelled from the Bath Society;" but the fact is, that I am as proud of this record as St. Paul was of his two dozen and odd whippings. I was the most zealous member of the Bath Society in all things wherein that society could effect good. The Bath Society proposed to have tithes commuted. I was invited by letter to give my aid. All Wiltshire will yet testify how strenuous I was. Two contemptible essays were successively written on the sub-

ject, for which their authors received gold medals from the society. The last of these, written by 'Squire Benett of Pytthouse, stirred up the wrath of Archdeacon Coxe, the book-maker; and to rescue the 'Squire I knocked down the parson. My pamphlet, entitled "THE RIGHT TO CHURCH PROPERTY SECURED," will speak for itself any day. This pamphlet not only drove Archdeacon Coxe, afraid to meet me in the field of controversy, to the mean resort of false insinuation, but frightened a whole covey of Somersetshire Parsons into an absurd declaration about their *rights and freeholds*. The parson-panic vibrated to the centre of the Bath Society; for, in idle parsons, that society of old women is strong. The parsons had the address to sink the grand attempt for commuting tithes;---and what was substituted?---The embryo of the Corn Bill. Yes! it was the Bath Society which originated that infamous Bill, by which farmers have been ruined, commerce shackled, and the nation involved in want and misery.

I saw clearly how things would go. I justly estimated the cowardice, the treachery, the selfishness of the old women of Bath. I seized my pen, and wrote out a placard, to sound alarm in *their* ears, and to draw *public attention* to what was going forward. I said that Members of the Bath Society were, "*individually good fellows, but collectively, great rogues.*" This was "the head and front of my offending;" and, for this, the silly old women passed a vote of expulsion, after I had withdrawn my name from their list, despising longer to be ranked with such filthy hags*! Truly, the whole transac-

* My paper affording room, I cannot forbear employing that room to fix public attention more and more to the Bath Society and its filthy deeds; and I am sure the courteous reader will pardon me for using even the most unsightly of words to stamp a suitable impression of disgust on his mind. No personal feeling has to do

tion was to me honour; and I know not if words could convey to posterity a better test of my worth than these, were they written on my gravestone:

To the Memory of him who was expelled from the Bath Society, and banished from Upper Canada.

William Penn was really and truly *turned out of his father's house;* and really and truly *expelled from the University of Oxford;* but, nevertheless, William Penn turned out to be one of the greatest, best, and most useful men, that ever lived.

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with my abhorrence of the Bath Society. I wish to reproach no individual. It is the monster Caliban to which I would turn the public eye; and this monster should instantly be put to death. The Bath Society did not only pretend, for two years, to be in earnest about commuting tithes, a measure which could easily be accomplished to the infinite benefit of all parties, by the simplest means; the Bath Society did not only pretend to be serious on this subject for two years, and then fling it aside for that of the corn-bill; but the Bath Society, for many years (and perhaps till now), held out a premium for *women holding the plough!!!* The word *hag* has various meanings. In England it means an ugly, old, mischievous witch: in Scotland, a bullock intended for slaughter and salting up between Martinmas and Christmas. The Bath Society is dressed in silk, broad-cloth, and fine linen: and is far from being ugly. I would eat and drink with the Bath Society, with the greatest pleasure, especially when Sir Benjamin Hobhouse presides; but, nevertheless, would cut the throat of the Bath Society. The Bath Society, though not sufficiently "*ancient*" for a witch, is much too old for the good it has done; and, certainly, no witch was ever so mischievous. The Bath Society, again, is not in all things like to our Scotch *hag*. It is as sleek and as stupid; but its carcass can be of no use to man; and when slaughtered should be thrown to the dogs. Should this note reach Bath, before the next sitting, I hope that it may tempt the old women to commit suicide.

ERRATA.

Page viii, line 24, note—For "face of the world," read *race* of the world.

Page 303, line 18,—For "better," read *bitter*.

Page 560, line 14,—For "1818," read 1821.

NOTES.

In page 487, certain information is given, on the authority of "An intelligent Chief of the Grand-river Indians." I now quote, from a publication of the same Chief, recently put into my hands, a statement, which must be considered more correct.

"Besides the War Chiefs, there is a kind of hereditary Chief among the *Five Nations*, if it can with propriety be called hereditary, which is selected from certain families, without respect to older or younger brothers, nephew or grand nephew; but entirely depend on the choice of the family. They are only concerned in civil matters, as their name implies. They also attend to the old religious ceremonies, and appear to be a kind of priesthood. Since their connexion with the European settlements, they have the most to do in the land-selling business; but the War Chiefs have generally the ascendancy as to influence."

Since page 536, and others before and after, treating of allegiance, were printed, I have read an able and ingenious discussion on the subject of *natural allegiance*, by John Reeves, Esq., second edition, 1816. I notice this, the more to engage attention to a point, which it is of the utmost consequence should be settled between the legislatures of Britain and America.

Since the first page of "Explanation of the Map" was printed, I have conversed with Mr. John Combes, of Fovant, in Wiltshire, who visited Mr. Birkbeck's settlement in Illinois, Sept. 1818. Mr. B. informed Mr. C. that, during the preceding winter,

the mercury had sunk in the thermometer to 19° below Zero, and that the Wabash had been frozen so as to admit of waggons passing over, on the ice, for a month together. During that winter, about the end of January, there were in Upper Canada two or three days, the coldest by far which I experienced during my two years' residence in that country, and the mercury fell to 15° below Zero. Here then we may note more particularly what has been observed above, as to the cold of winter increasing towards the interior of America.

At Quebec, 30° below Zero (on one occasion, 33°)	
At Niagara Falls	15°
At Lord Selkirk's Settlement on Red River, six degrees north of Niagara	50°
At Mr. Birkbeck's Settlement in Illinois, five degrees south of Niagara.....	19°

At a certain line, running north and south through the centre of America, the cold probably reaches its extreme, and thence westward to the Pacific, diminishes.

BATH AND WEST OF ENGLAND SOCIETY.

"Sir J. C. Hippesly, Bart. was called to the Chair (Monday, Dec. 17th), and the business commenced. Among other business of the day, it was notified by Sir J. C. Hippesly, that Her Royal Highness the Duchess of Clarence, and several ladies of distinction, had become subscribers to the New Dairy Class."

This extract from the Salisbury Journal, of December, 1821, making it appear that the "ancient society", is now becoming one of *real* women, I have to apologize for freedoms in page xviii. Let there be no suicide. No: *Vive la bagatelle.*—The ladies of the dairy will, I hope, have every fair hand withdrawn from the *plough*, in spite of the gentlemen's *premium*.

CONSTITUTION

OF

UPPER CANADA.

HOUSE OF COMMONS.

Friday, 4th March, 1791.

MR. CHANCELLOR PITT moved, "That His Majesty's Message concerning the New Constitution for Quebec might be read." It was read accordingly.

"GEORGE R.

"*His Majesty thinks it proper to acquaint the House of Commons, that it appears to his Majesty that it would be for the benefit of his Majesty's subjects in the province of Quebec, that the same should be divided into two separate provinces, to be called the Province of Upper Canada and the Province of Lower Canada; and that it is accordingly his Majesty's intention so to divide the same, whenever his Majesty shall be enabled by act of parliament to establish the necessary regulations for the government of the said provinces. His Majesty therefore recommends this object to the consideration of this House.*

"*His Majesty also recommends it to this House to consider of such provisions as may be necessary to enable his Majesty to make a permanent appropriation of lands in the said provinces, for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as have been already granted within the same by his Majesty; and it is his Majesty's desire that such provision may be made, with respect to all future grants of land within the said provinces respectively, as may best conduce to the same object, in proportion to such increase as may happen in the population and cultivation of the said provinces; and for this purpose his Majesty consents that such provisions or regulations may be made by this House, respecting all future grants of land to be made by his Majesty within the said provinces, as this House shall think fit.*"

Mr. Chancellor Pitt then moved, "That the act of the 14th of his Majesty, respecting the said province, be read;" and the title being read, *pro forma*, he observed that the purport of his motion was to repeal part of the above act, and to introduce new regulations for the future government of the province. Feeling the importance of the subject, he should have been desirous of stating fully to the House the grounds and the principles on which he meant to proceed in forming a constitution for a valuable appendage to the British dominion, which he trusted would contribute to its future prosperity; but as it was not likely that any opposition would arise against bringing in a bill for this purpose, and as explanation would come

with more propriety when the bill was before the House, he should state only in a few words the outlines of the plan, unless questions were asked, or explanations demanded, in the first instance. The bill which he meant to propose was founded, in the first place, on the recommendation contained in his Majesty's message to divide the province into two governments. This division, it was hoped, would put an end to the competition between the old French inhabitants and the new settlers from Britain or British colonies, which had occasioned the disputes and uncertainty respecting law, and other disputes of less importance, by which the province had been so long distracted. This division, it was hoped, could be made in such a manner as to give each a great majority in their own particular part, although it could not be expected to draw a line of complete separation. Any inconveniences to be apprehended from ancient Canadians being included in the one, or British settlers in the other, would be cured by the establishment of a local legislator in each.

It was for this purpose that he should first propose, in imitation of the constitution of the mother-country, a Council and House of Assembly for each; the Assembly to be constituted in the usual manner, and the members of the Council to be members for life, reserving power to his Majesty to annex to certain honours an hereditary right of sitting in the Council. All laws and ordinances of the province were to remain in force till altered by this new legislature. They would consequently retain

as much of the law of England as they now had, and chose to keep; and they would possess the means of introducing as much more as they might think convenient. THE HABEAS CORPUS ACT WAS ALREADY LAW, BY AN ORDINANCE OF THE PROVINCE, AND THIS INVALUABLE RIGHT WAS TO BE CONTINUED AS A FUNDAMENTAL PRINCIPLE OF THE CONSTITUTION.

These were the most important points; but there were others to which the attention of the House was called by his Majesty's message. It was meant to make provision for a Protestant clergy in both divisions, by an allotment of lands in proportion to those already granted; and as in one of them the majority of the inhabitants would be Catholics, it was meant to provide that it shall not be lawful for his Majesty in future to assent to grants of lands for this purpose, under the sanction of the Council and Assembly of either division, without first submitting them to the consideration of the British parliament. The tenures which had been the subject of dispute, were to be settled in Lower Canada by the local legislature; in Upper Canada the settlers being mostly British, or British colonists, the tenures were to be soccage tenures; and in order to prevent any such dispute as had been the cause of separating the thirteen states from the mother country, it was provided that the British parliament should impose no taxes but such as were necessary for the regulation of trade and commerce; and to guard against the abuse of this

power, such taxes were to be levied and to be disposed by the legislature of each division. As the constitution which he had thus briefly opened could not be in a state of activity for some time, his Majesty was to be empowered to make temporary regulations, to be in force for six months after the establishment of the new constitution.

Mr. Fox declared it impossible to express an entire approbation or disapprobation of a bill which the House had not yet seen; but he did not hesitate to say, that if a local legislature was liberally formed, that circumstance would incline him much to overlook defects in the other regulations, because he was convinced that the only means of retaining distant colonies with advantage was to enable them to govern themselves.

ORDERED, that leave be given to bring in a bill to repeal certain provisions of the act of the 14th of his Majesty, respecting the government of Canada, and to make other provisions, &c.

Friday, 8th April.

The order of the day for taking the report of the Quebec bill into farther consideration having been read,

Mr. Hussey begged leave to inform the House that he had a petition to present, from a number of very respectable persons, against the bill in question. They had conceived that it was likely to prove prejudicial to their trade.

The petition was brought up and received. It contained the prayer of several merchants, warehousemen, and manufacturers of Quebec, that the bill might not pass into a law, inasmuch as after having duly weighed the conse-

quences of it, they feared that it would be attended with great injury, particularly to their trade and commerce.

The petition was ordered to lie on the table. *The Speaker* then put the question, "That this report be now taken into further consideration."

Mr. Hussey moved, "That the bill be recommitted."

Mr. Fox remarked, that the bill contained a variety of clauses of the utmost importance, not only with respect to the country to which they immediately related, but to Great Britain. Many of these clauses appeared to be very exceptionable, and such as he could by no means subscribe to. The bill proposed to give two Assemblies to the two provinces, and thus far it met with his approbation; but the number of persons to whom these Assemblies were to consist deserved particular attention. Although it might be perfectly true that a country three or four times as large as Great Britain ought to have representatives three or four times as numerous, yet it was not fit to say that a small country should have an assembly proportionally small.—The great object in the institution of all popular assemblies was that the people should be fully and freely represented; and that the representative body should have all the virtues and the vices incident to such assemblies. But when they made an Assembly to consist of 16 or 30 persons, they seemed to him to give a free constitution in appearance, when, in fact, they withheld it. In Great Britain we had a septennial bill; but the goodness of it had been considered doubtful, at least, even by many of those who took a lead in the present bill. The right honourable gentleman (Mr. Pitt) had himself supported a vote for the repeal of that act. He did not now mean to discuss its merits; but a main ground on which it had been thought defensible was, that a general election in this country was attended with a variety of inconveniences. That general elections in Great Britain were attended with several inconveniences could not be doubted; but when they came to a country

so different in circumstances as Canada, and where elections, for many years at least, were not likely to be attended with the consequences which they dreaded, why they should make such assemblies, not annual or triennial, but septennial, was beyond his comprehension. A septennial bill did not apply to many of the most respectable persons in that country: they might be persons engaged in trade, and if chosen representatives for seven years, they might not be in a situation to attend during all that period: their affairs might call them to England, or many other circumstances might arise, effectually to prevent them from attending the service of their country. But although it might be inconvenient for such persons to attend such assembly for the term of seven years, they might be able to give their attendance for one, or even for three years, without any danger or inconvenience to their commercial concerns. By a septennial bill the country of Canada might be deprived of many of the few representatives that were allowed by the bill. If it should be said that this objection applied to Great Britain, he completely denied it; because, although there were persons engaged in trade in the British House of Commons, and many of them very worthy members, yet they were comparatively few, and therefore he should think that, from the situation of Canada, annual and triennial parliaments would be much preferable to septennial. Of the qualification of electors he felt it impossible to approve. In England a freehold of forty shillings was sufficient; five pounds were necessary in Canada. Perhaps it might be said, that when this was fairly considered, it would make no material difference, and this he suspected to be the case; but granting that it did not, when we were giving to the world by this bill our notions of the principles of election, we should not hold out that the qualifications in Great Britain were lower than they ought to be. The qualifications on a house were still higher, he believed ten pounds. He thought that the whole

of this constitution was an attempt to undermine and contradict the professed purport of the bill;—the introduction of a popular government into Canada. But although this was the case with respect to the two Assemblies, although they were to consist of so inconsiderable a number of members, the Legislative Councils in both provinces were unlimited as to numbers. They might consist of any number whatever, at the will of the governor. Instead of being hereditary councils, or councils chosen by electors, as was the case in some of the colonies in the West Indies, or chosen by the king, they were compounded of the other two. As to the points of hereditary powers and hereditary honours, to say that they were good, or that they were not good, as a general proposition, was not easily maintained; but he saw nothing so good in hereditary powers and honours as to incline us to introduce them into a country where they were unknown, and by such means distinguish Canada from all the colonies in the West Indies. In countries where they made a part of the constitution, he did not think it wise to destroy them; but to give birth and life to such principles in countries where they did not exist appeared to him to be exceedingly unwise. He could not account for it, unless it was that Canada, having been formerly a French colony, there might be an opportunity of reviving those titles of honour, the extinction of which some gentlemen so much deplored, and to revive in the west that spirit of chivalry which had fallen into disgrace in a neighbouring country. He thought these powers and honours wholly unnecessary, and tending rather to make a new constitution worse than better. If the Council were wholly hereditary, he should equally object to it; it would only add to the power of the king and the governor; for a council so constituted would only be the tool of the governor, as the governor himself would only be the tool and engine of the king. He did not clearly comprehend the provision which the bill made for the Protestant

clergy. By the Protestant clergy he supposed to be understood not only the clergy of the Church of England, but all descriptions of Protestants. He totally disapproved of the clause which enacts, "That whenever the king shall make grants of lands, one-seventh part of those lands shall be appropriated to the Protestant clergy." He had two objections to these regulations, both of them in his opinion of great weight. In all grants of land made in that country to Catholics, and a majority of the inhabitants were of that persuasion, one-seventh part of those grants was to be appropriated to the Protestant clergy, although they might not have any cure of souls, or any congregations to instruct. One-tenth part of the produce of this country was assigned, and this, perhaps, was more than one-seventh of the land. He wished to deprive no clergyman of his just rights; but in settling a new constitution, and laying down new principles, to enact that the clergy should have one-seventh of all grants, he must confess appeared to him an absurd doctrine. If they were all of the Church of England, this would not reconcile him to the measure. It might be asked, why should they not have as much as the Church of England? In this country we had that which some condemned, and others praised: we had a kind of shew, but still a proportion must be observed. The greatest part of these Protestant clergy were not of the Church of England; they were chiefly what are called Protestant dissenters in this country. They were, therefore, going to give to dissenters one-seventh part of all the lands in the province. Was this the proportion, either in Scotland or in any other country where those religious principles were professed? It was not the proportion either in Scotland, or in any other ecclesiastical country in Europe. We were therefore, by this bill, making a sort of provision for the Protestant clergy of Canada, which was unknown to them in every part of Europe; a provision, in his apprehension, which would rather tend to corrupt than to benefit them. The

regulations were likewise in part obscure; because, after it had stated that one-seventh of the land should always be set aside for the Protestant clergy, it did not state how it should be applied. The bill was likewise exceptionable, as far as it related to the regulation of appeals. Suitors were, in the first instance, to carry their complaints before the courts of common law in Canada: if dissatisfied with the decisions of those courts, they might appeal to the governor and council: if dissatisfied with their judgment, they might then appeal to the king in council; and next, to the House of Lords. Now, if the House of Lords was a better court, which he believed it to be, than the king in council, why compel them to appeal to the king in council before they could come to the House of Lords? Why not apply to the House of Lords at once? This could answer no possible purpose, but to render lawsuits exceedingly expensive, and exceedingly vexatious. Those were the principal objections he had to this bill. There had not yet been a word said in explanation of it, with all its variety of clauses and regulations. It went through the House silently, without one observation; it also went through the Committee only in form, but not in substance. Of all the points of the bill, that which struck him the most forcibly was, the division of the province of Canada. It had been urged, that by such means we could separate the English and French inhabitants of the province; that we could distinguish who were originally French, from those of English origin. But was this to be desired? Was it not rather to be avoided? Was it agreeable to general political expediency? The most desirable circumstance was, that the French and English inhabitants of Canada should unite and coalesce, as it were, into one body; and that the different distinctions of the people might be extinguished for ever. If this had been the object in view, the English laws might soon have prevailed universally throughout Canada; not from force, but from choice, and conviction

of their superiority. He had no doubt that, on a fair trial, they would be found free from all objection. The inhabitants of Canada had not the laws of France. The commercial code was never established there: they stood upon the exceedingly inconvenient *custom of Paris*. He wished the people of that country to adopt the English laws from choice, and not from force; and he did not think the division of the province the most likely means to bring about this desirable end. In his opinion, this bill was also objectionable as far as it related to the trial by jury, and the habeas corpus act, which the Canadians were said to enjoy by an ordinance of the province. It was stated by one of the counsel at the bar, that either the ordinance, which gave the inhabitants the trial by jury, or that which afforded them the benefit of the habeas corpus, would expire before this bill could pass into a law. If this were true, it was an objection to the bill, and ought to be remedied. He trusted that the House would also seriously consider the particular situation of Canada. It was not to be compared to the West Indies: it was a country of a different nature: it did not consist of a few white inhabitants and a number of slaves; but it was a country of great growing population, which had increased very much, and which he hoped would increase much more. It was a country capable of enjoying as much political freedom, in its utmost extent, as any other country on the face of the globe. This country was situated near the colonies of North America: all their animosity and bitterness on the quarrel between them and Great Britain was now over; and he believed that there were very few people among those colonies who would not be ready to admit every person belonging to this country into a participation of all their privileges, and would receive them with open arms. The governments now established in North America were, in his opinion, the best adapted to the situation of the people who lived under them of any of the governments of

the ancient or modern world; and when we had a colony like this, capable of freedom, and capable of a great increase of people, it was material that the inhabitants should have nothing to look to among their neighbours to excite their envy. Canada must be preserved in its adherence to Great Britain by the choice of its inhabitants, and it could not possibly be kept by any other means. But it must be felt by the inhabitants that their situation was not worse than that of their neighbours. He wished them to be in such a situation as to have nothing to envy in any part of the king's dominions. But this would never prove the case under a bill which held out to them something like the shadow of the British constitution, but denied them the substance. Where the principles of liberty were gaining ground, which would increase in consequence of the general diffusion of literature and knowledge in the world, they should have a government as agreeable to the genuine principles of freedom as was consistent with the nature of circumstances. He did not think that the government intended to be established by the bill would prove such a government; and this was his principal motive for opposing it. The Legislative Councils ought to be totally free, and repeatedly chosen, in a manner as much independent of the governor as the nature of a colony would admit. Those, he conceived, would be the best; but if not, they should have their seats for life; be appointed by the king; consist of a limited number; and possess no hereditary honours. Those honours might be very proper, and of great utility, in countries where they had existed by long custom; but, in his opinion, they were not fit to be introduced where they had no original existence; where there was no particular reason for introducing them, arising from the nature of the country, its extent, its state of improvement, or its peculiar customs; where, instead of attracting respect, they might excite envy; and as but few could enjoy them, those who did not might be induced to form an un-

favourable comparison between their own situation and that of their neighbours, among whom no such distinctions were known. Even whilst he felt himself perfectly desirous of establishing a permanent provision for the clergy, he could not think of making for them a provision so considerable as was unknown in any country of Europe, where the species of religion to be provided for prevailed. It was upon these grounds which he had stated, that he felt himself justified in seconding the motion of his honourable friend (Mr. Hussey).

Mr. Chancellor Pitt said that, although he did not feel himself inclined to oppose the motion, he could not avoid expressing his regret, that the clauses which were objected against had not attracted the attention of gentlemen on an earlier day: at any rate, it was not owing to any fault of his that the bill had not been fully discussed in the former stages of it; but considering it, as he did, to be of very great importance to form a system for the government of a colony, which, both in point of duty and interest they were bound to do, he professed himself to be extremely anxious to court all opportunity of receiving every species of observation and information which could be obtained upon the subject; and therefore he acquiesced in the re-commitment of the bill. As to the first objection of the right honourable gentleman against the manner of forming the Assemblies, he must confess it was certainly his wish, that the Assemblies in both provinces might prove numerous enough to answer all the purposes of a popular assembly, as far as the circumstances of the two provinces were properly qualified for that situation. But he doubted very much, according to the present state of the colony, and the population in that province, whether the Assemblies could be rendered more numerous than was proposed. The House would however have the goodness to consider, that there was not the smallest idea that the Assemblies should not be increased, when the population of the province

increased. The Assemblies, undoubtedly, ought to be extended with the growing population of Canada. He believed that a very numerous representative body was in no respect desirable; and they ought always to bear some proportion to the circumstances of the country. With regard to the duration of the Assemblies, a House of Assembly for seven years would surely prove better than for a shorter period. In the other colonies, the Council and Assembly were constituted in such a manner, as to invest the governor with more influence than would be given to him by the present bill. If the Assembly was not properly constituted at first, it must be recollected, that it was subject to revision, and that it might easily afterwards be altered. *There was nothing to hinder the parliament of Great Britain from correcting any point which might hereafter appear to want correction.* As to the Legislative Council, he totally and entirely differed from the right honourable gentleman, who thought it would be better if it were to be an elective council, in the manner which had been lately established in America. He did not think it was the business of that House to discuss what was the best constitution of government for France, for America, or for any foreign country: and this had been a reason why he had always declined making any remarks concerning the affairs of France. Whether France had chosen well for itself, or whether America had chosen well for itself, he had no difficulty in declaring that the English constitution which we had chosen was in its principle the best for us; better than any of those republican principles. He said he did not mean to use the word republican as an obnoxious term, but none of those republican principles which the right honourable gentleman had described as the consequence of a greater extension of learning and light, and which, he said, shone in the constitution of France and America, could improve the constitution of Britain. They did not appear to be such as, if adopted by us or any of

our colonies, would be any improvement of our constitution, but the reverse. An aristocratical principle being one part of our mixed government, he thought it proper there should be such a council in Canada as was provided for by the bill, and which might answer to that part of the British constitution which composed the other House of Parliament. With respect to the Protestant clergy, he wished to make an adequate provision for them, so that they might be supported in as respectable a situation as possible. The giving them a certain portion of land was the most eligible mode of supporting the clergy which had occurred to his mind; and as to the proportion of one-seventh, whether it was or was not too much, if it turned out to be too much in future, *the state of the land appropriated to the clergy, like every thing else provided by the bill, was subject to revision.* At present he imagined that no man could think that one-seventh part was unreasonable: and it was to be recollected that one-seventh had almost grown into an established custom where land had been given in commutation for tithes. One-tenth of the produce which took place in England must be confessed to be far greater provision than one-seventh of land. As to the division of the province, it was in a great measure the fundamental part of the bill; and he had no scruple to declare, that he considered it as the most material and essential part of it. He agreed with the right honourable gentleman in thinking it extremely desirable that the inhabitants of Canada should be united, and led universally to prefer the English constitution and the English laws. Dividing the province he considered to be the most likely means to effect this purpose, since by so doing, the French subjects would be sensible that the British government had no intention of forcing the English laws upon them, and therefore they would, with more facility, look at the operation and effect of those laws, compare them with the operation and effect of their own, and probably in time adopt

them from conviction. This he thought was more likely to prove the case, than if the British government were all at once to subject the whole inhabitants to the constitution and laws of this country. Experience would teach them that the English laws were best; and he admitted that they ought to be governed to their satisfaction. If the province had not been divided, there would have been only one House of Assembly; and there being two parties, if those parties had been equal, or nearly equal, in the Assembly, it would have been the source of perpetual faction: if one of the parties had been much stronger than the other, the other might justly have complained that they were oppressed. It was on that persuasion that the division of the province was conceived to be the most likely way of attaining every desirable end.—The bill re-committed.

Friday, 6th May.

The House resolved itself into a Committee on the Quebec Bill, Mr. Hobart in the chair.

When the chairman put the question, that the clauses of the bill be read paragraph by paragraph,

Mr. Burke said, it might be a question whether the chairman should be directed to leave the chair, or whether the bill should be debated clause by clause. He should therefore speak to the general principle. The House, by the bill, was going to do a high and important act; to appoint a legislature for a distant people, and to affirm a legal authority in itself to exercise this high power. The first consideration, then, was, the competency or incompetency of the House to do such an act; for if it was not competent, the beneficence of the intention, or the goodness of the constitution they were about to give, would avail nothing. A body of rights, commonly called the rights of man, imported from a neighbouring country, was lately set up by some persons in this, as paramount to all other rights. This new code was, "That all men are by nature

free, equal in respect of rights, and continue so in society." If this code were admitted, then the power of the House could extend no further than to call together all the inhabitants of Canada, and recommend to them the free choice of a constitution for themselves. On what then was this House to found its competence? There was another code, on which men of all ages had acted, viz. the law of nations; and on this code he thought the competence of the House must rest. This country had acquired the power of legislating for Canada, by right of conquest; and in virtue of that right, all the rights and duties of the old government had devolved on us. In the second place, came the right by the cession of the old government; and in the third, the right of possession, which we had held for about thirty years. All these, according to the law of nations, enabled us to legislate for the people of Canada, bound us to afford them an equitable government, and them to allegiance. Setting aside, then, the doctrine of the rights of man, which was never preached any where without mischief, the House was bound to give to the people of Canada the best government that their local situation, and their connexion with this country, would admit. How was this to be done? He could not refer to the experience of old governments, for that was exploded by the academies of Paris, and the clubs of London; who saw too much by the light of their new lantern, to have recourse to any other. The great examples to be considered were the constitutions of America, of France, and of Great Britain. To that of America great attention, no doubt, was due, because it was of importance, that the people of Canada should have nothing to envy in the constitution of a country so near to their own. Situation and circumstances were first to be considered:—*non michi res sed rebus me submittere conor.* They were not to imitate the examples of countries that had disregarded circumstances, torn asunder the bonds of society, and even

the ties of nature. In the local situation, was there anything to give a preference to the American constitution, or in the habits of the people? Part of the province was inhabited chiefly by persons who had migrated from the United States. These men had fled from the blessings of American government, and there was no danger of their going back. There might be many causes of emigration not connected with government, such as a more fertile soil, and more genial climate; but they had forsaken all the advantages of a more fertile soil, and more southern latitude, for the bleak and barren regions of Canada*. There was no danger of their being so much shocked by the introduction of the British constitution, as to return. The people of America had, he believed, formed a constitution as well adapted to their circumstances as they could. But, compared with the French, they had a certain quantity of phlegm, of old English good nature, that fitted them better for a republican government. They had also a republican education: their former internal government was republican, and the principles and vices of it were restrained by the beneficence of an over-ruling monarchy in this country. The formation of their constitution was preceded by a long war; in the course of which, by military discipline, they learned order, submission to command, and a regard for great men. They learned what, if it was allowable in so enlightened an age as the present to allude to antiquity, a king of Sparta had said was the great wisdom to be learned in his country,—to command, and to obey. They were trained to government by war, not by plots, murders, and assassinations. In the next place, they had not the materials of monarchy or aristocracy among them. They did not however set up the absurdity, that the nation should govern the nation: that Prince Prettyman should govern Prince Prettyman;

* Here was a very great mistake.

but formed their government, as near as they could, according to the model of the British constitution. Yet he did not say, give this constitution to a British colony; because, if the imitation of the British constitution was so good, why not give them the thing itself? as he who professed to sing like a nightingale was told, by the person to whom he offered his talents, that he could hear the nightingale herself. Hence, he thought the greater number of inhabitants of that description would have no objection to the British constitution; and the British inhabitants were probably not so much corrupted by the clubs of London, and the academies of Paris, as to think any form of government preferable to an old one. The ancient Canadians were next to be considered, and being the most numerous, they were entitled to the greatest attention. Were we to give them the French constitution—a constitution, founded on principles diametrically opposite to our's, that could not assimilate with it in a single point, as different from it as wisdom from folly, as vice from virtue, as the most opposite extremes in nature—a constitution founded on what was called the rights of man? But let this constitution be examined by its practical effects in the French West India colonies. These, notwithstanding three disastrous wars, were most happy and flourishing till they heard of the rights of men. As soon as this system arrived among them, Pandora's box, replete with every mortal evil, seemed to fly open, hell itself to yawn, and every demon of mischief to overspread the face of the earth. Blacks rose against whites, whites against blacks, and each against one another, in murderous hostility; subordination was destroyed, the bonds of society torn asunder, and each man seemed to thirst for the blood of his neighbour.—

"Black spirits and white,
"Blue spirits and grey,
"Mingle, mingle, mingle."

All was toil and trouble, discord and blood, from the moment that this doctrine was promulgated among them; and he verily believed, that wherever the rights of men were preached up, such ever had been, and ever would be, the consequences. France, who had generously sent them the precious gift of the rights of men, did not like this image of herself reflected in her child, and sent out a body of troops, well seasoned too with the rights of men, to restore order and obedience. These troops, as soon as they arrived, instructed as they were in the principle of government, felt themselves bound to become parties in the general rebellion, and like most of their brethren at home, began asserting their rights by cutting off the head of their general. Mr. Burke read the late accounts from St. Domingo, delivered to the National Assembly, and added, that by way of equivalent for this information, M. Barnave announced the return of the members of the late Colonial Assembly, to the true principles of the constitution. The members of an assembly no longer in existence, had bequeathed their return to the principles of the constitution, as their last act and deed as a body, and this was an equivalent for all the horrors occasioned by troops joining in a rebellion, which they were sent to quell! Ought this example to induce us to send to our colonies a cargo of the rights of men? As soon would he send them a bale of infected cotton from Marseilles. If we had so little regard for any of our colonies, as to give them that, for the sake of an experiment, which we would not take to ourselves—if we were for *periculum in corpore vili*, let us think how it would operate at home. Let us consider the effects of the French constitution on France, a constitution on which he looked not with approbation, but with horror, as involving every principle to be detested, and pregnant with every consequence to be dreaded and abominated, and the use which they proposed to make of it. They had told us themselves; and their partisans in this country, the Revolution and

Unitarian societies, had told us that they had erected a great monument for the instruction of mankind. This was certainly done not without a view to imitation. Let us see what we were called on to imitate; what were the last acts of the contrivers of this glorious form of government. There were here no doubts of the facts, for they were related by the authors; and there were cases in which the falsest of men might be believed, namely, when they gave a true character of themselves. When they had got a constitution moulded according to the newest pattern of the rights of man; when they had got a king, who was every thing in name, and nothing in reality, over whom as a state prisoner the Marquis de la Fayette, the chief jailor of Paris, mounted guard: he was desirous of taking a little fresh air, and a little recreation in the country, and they granted him a day rule to go five miles from Paris. But then recollecting, as it is the quality of the rights of men never to be secure, that this temporary release from imprisonment might afford the means of escape, they surrounded his carriage, commanded him to stop, and one of the grenadiers of his faithful and loyal body guard presented his bayonet to the breast of the fore-horse—

Mr. Baker here called Mr. Burke to order. He said he had sat many years in parliament, and no man entertained a higher opinion of the integrity and abilities of the right honourable gentleman than he did. His eloquence was great, and his powers on many occasions had been irresistible. His abilities might enable him to involve the House in unnecessary altercation: this, perhaps, the right honourable gentleman might do unwittingly for others, and not to serve any purpose of his own: he himself perhaps might be the unwilling instrument, and might involve the country itself in a contest with another nation: he could not, therefore, sit any longer without calling him to order; and he should insist upon every person adhering to the question, and that the chairman state what the question

before the Committee was. He said that he had no objection, on any occasion, when questions of this sort came properly before the House, fairly and fully, openly and explicitly, to state his opinion. He had called the right honourable gentleman to order, merely for the sake of the House, and of the peace of the country, and he had a right to say, that the right honourable gentleman's conduct was inconsistent with the order of debate, and the regularity of the proceedings of that House.

The Chairman stated that the question before the Committee was, whether the clauses of the Quebec bill should be read paragraph by paragraph.

Mr. Fox now rose and said that he conceived his right honourable friend could hardly be said to be out of order. It seemed that this was a day of privilege, when any body might stand up, select his mark, and abuse any government he pleased, whether it had any reference or not to the point in question. Although nobody had said a word on the subject of the French revolution, his right honourable friend had gotten up and abused that event. He might have treated the Gentoo government, or that of China, or the government of Turkey, or the laws of Confucius, precisely in the same manner, and with equal appositeness to the question before the House. Every gentleman had a right that day to abuse the government of every country as much as he pleased, and in as gross terms as he thought proper, or any government, either ancient or modern, with his right honourable friend.

Mr. Burke replied, that the honourable gentleman's conclusion was very ill drawn from his premises. If he was disorderly, he was sorry for it. His right honourable friend had also accused him of abusing governments in very gross terms. He conceived his right honourable friend meant to abuse him in unqualified terms. He had called him to an account for the decency and propriety of his expressions. Mr. Burke said he had been accused of

creating dissension among nations. He never thought the National Assembly was imitated so well as in the debate then going on. M. Gazales could never utter a single sentence in that assembly without a roar.

Mr. M. A. Taylor spoke to order. He thought the discussion was carried forward to no good purpose. He said he revered and respected the character of his friend. They came to argue the question of the Quebec Bill: they were not discussing the English constitution, but whether, in fact, they ought to give the British constitution to Canada; and if they ought to give it, whether the present bill gave it. When he should be permitted to give his opinion, he should endeavour to shew that the bill did not give our constitution to that country. He said he must insist on the rule of order. They were then discussing whether it would be right to give Canada our own constitution; and, secondly, if it were right to give it, whether that bill had given it.

Mr. Burke submitted to the Committee whether he was or was not in order. The question was whether the bill was then to be read paragraph by paragraph. It was in a fair way in reasoning to see what experiments had been made on other countries. His right honourable friend had said that nobody had the least idea of borrowing any thing of the French revolution in the bill. Mr. Burke asked how his right honourable friend knew that? For any thing he knew, he (Mr. Burke) himself, might mean to insert some clause. If he were to be stopped, he asked why was it not in the beginning, and before he had fully declared the French revolution to be the work of folly and not of wisdom? It was the work of vice, and not of virtue. If the Committee would permit him to go on, he should endeavour to meet the most captious ideas of order. He declared he would not suffer friend nor foe to come between his assertion and his argument, and thereby to make him a railer. His honourable friend had said that although he did not do

it himself, he was probably, though unwittingly, the instrument of some other people's folly. He declared he had not brought forward this business from any views of his own. If they did not suffer the affair to be discussed; if they shewed a reluctance to it——

Here *Mr. St. John* called Mr. Burke to order, and said the discussion could not be brought forward with any regard to order. He really asked it as a favour of his right honourable friend, that he would fix a day on which he would bring on the discussion of the French constitution. He said he knew the English constitution; he admired it; he daily felt the blessings of it. He should be extremely sorry if any person in England should endeavour to persuade any man or body of men to alter the constitution of the country. If his right honourable friend had made the French revolution the subject of a distinct discussion, that would be bringing it on in a fair way. If his friend felt the mischiefs of the French constitution as applicable to the English constitution, let him appoint a day for that discussion. This he requested of his right honourable friend as a particular favour.

Mr. Martin was of opinion that the right honourable gentleman (Mr. Burke) was not irregular in speaking of the French constitution. He had formerly heard a right honourable gentleman say that the public had a right to the sentiments of public men on public measures, and therefore he hoped the right honourable gentleman would be permitted to go on.

Mr. Burke in reply said, he meant to take the sense of the Committee whether or not he was in order. He declared, he had not made any reflection, nor did he mean any on any one gentleman whatever. He was as fully convinced as he could be that no one gentleman in that House wanted to alter the constitution of England. The reason why, on the first regular opportunity that presented itself, he was anxious to make his reflections on the subject was,

because it was a matter of great public concern, and occasion called for his observations. As long as they held to the constitution, he should think it his duty to act with them; but he would not be the slave of any whim that might arise. On the contrary, he thought it his duty not to give any countenance to certain doctrines which were supposed to exist in this country, and which were intended fundamentally to subvert the constitution. They ought to consider well what they were doing.

Here there was a loud call of "Order!—Order!" and "Go on!—Go on!"

Mr. Burke said, there was such an enthusiasm for order that it was not easy to go on, but he was going to state what the result of the French constitution perfected was, and to shew that we ought not to adopt the principles of it. He might be asked, why state it, when no man meant to alter the English constitution? Why raise animosities where none existed? and why endeavour to stir up passions where all was quiet before? He confessed a thing might be orderly, and yet that it might be very improper to discuss it. Was there any reason for doing this, or did they think the country was in danger? He declared he was ready to answer that question. He was perfectly convinced that there was no immediate danger. He believed the body of the country was perfectly sound, although attempts were made to take the constitution from their heads by absurd theories. He firmly believed the English constitution was enthroned in the affections of their bosoms; that they cherished it as part of their nature; and that it was as inseparable from Englishmen as their souls and their bodies. Some ministers and others had, at times, apprehended danger even from a minority; and history had shewn that in this way a constitution had been overturned. The question, he said, would be, what had they to do with the French constitution? They had no right to have recourse to the proceedings of the National

Assembly, because the Government of this country had not yet recognised it. If they had, they would silence him. If the French revolutionists were to mind their own affairs, and had shewn no inclination to go abroad and to make proselytes in other countries, Mr. Burke declared, that neither he for one should have thought, nor any other member of the House had any right to meddle with them. If they were not as much disposed to gain proselytes as Lewis XIV. had been to make conquests, he should have thought it very improper and indiscreet to have touched on the subject. He would quote the National Assembly itself, and a correspondent of his at Paris, who declared that he appeared as the ambassador of the whole human race—

Mr. Anstruther, interrupting Mr. Burke, here spoke to order. He said his right honourable friend had transgressed something of what he looked upon to be the bounds of order in that House. It was a rule of order for members to confine themselves to the question in debate. When he stated this, he begged it to be understood, that if any minority in the country had any intentions to alter the constitution, there was no man more ready to take strong and decided measures to check that minority, and to crush that spirit than he should be—

Here *Colonel Phipps* called Mr. Anstruther to order, and said that a declaration of his attachment to the constitution, or of his gallantry in defence of it, was as much out of order as the right honourable gentleman, whom he was calling to order.

Mr. Anstruther replied, that if the honourable gentleman had condescended to hear him out, before he had called him to order, he would have saved himself some trouble. The honourable gentleman would recollect that he had said he had heard of a design in this country to overturn the constitution. If such a design really existed, it was the duty of the right honourable gentleman, who had stated it,

to bring forward some specific measure on the subject. It was disorderly in the right honourable gentleman to thrust that into a debate on the Quebec bill. If such a design really existed, it could not be debated on that day consistently with regularity. The question before the Committee was, whether the bill should be read, paragraph by paragraph. The right honourable gentleman had said, how did gentlemen know but that somebody, perhaps that right honourable gentleman himself, meant to propose something of the French revolution in the bill. Let them stop then till a clause or clauses of that sort were proposed; let them be silent till something like the principles of the French constitution appeared in the bill; and then any gentleman would have a right to argue the subject; but till then all the debate was foreign to the question. He should say nothing to the danger, how far it was proper, how far it was decent, how far it was prudent, and how far it was wise. Gentlemen were discussing the French constitution, without any question before them. The question was the Quebec constitution. The principle of the Quebec bill, if it had any principle, was something like the English constitution. The French constitution, for any thing we knew, might be good for them, and might be bad for us. It was neither fit nor prudent that that should be made a question of discussion in parliament. If any intention existed in any part of the country, to introduce the constitution of France, it should not be considered under the Quebec bill, but they should appoint a day for taking the subject into consideration, to stop, crush, and quell any machination of that sort, if any such existed in any minority.

Mr. Burke said, an objection had been taken against arguing the business, on the ground, that although it might be in order, yet the discussion might be attended with mischievous consequences. If some good were not to be obtained by it, he admitted, that it might be censurable to

argue it, and prudence, he owned, was a very useful quality, and a part of every man's duty to his country. He said he had formerly observed, in the course of this most irregular debate, that the body of the country was yet untainted with this French malady. The House smiled at the expression, and Mr. Burke observed, that there might be some allusion, which might not be so proper. He hoped there was a very little minority indeed out of doors, who were disaffected with the English constitution, and who wished to put the country out of love with it, by endeavouring to fill them with admiration for another. He was asked why he did not come forward with this business as a distinct subject? He said before he did that it would be proper first to know what support he was likely to have. He must know how Government stood affected to the business, and also how the other side of the House liked it. He had sat six-and-twenty years in that House, and had never called any man to order in his life. This being a question of prudence, he thought it was the part of a wise man, and good citizen, rather to discountenance the measure, and to admonish those who might entertain those designs, of their danger, than to come immediately to the knife. He knew there was a levity natural to mankind; but when they were alarmed, they might recollect themselves, and correct those things which he should be sorry if the law were to correct for them.

(Here there was a loud cry of "Chair! chair!" and of "Hear! hear!")

Mr. Anstruther interrupted Mr. Burke, and spoke again to order.

Colonel Phipps immediately called Mr. Anstruther to order, conceiving that the right honourable gentleman was not out of order, inasmuch as he had a right to introduce into the debate every topic that was at all applicable to the question.

Mr. Fox said, he still entertained the opinion that he

had stated originally, and he had before spoken seriously, and not ironically. He thought his right honourable friend had a right to enter into the constitution of France, because he had a right to enter into the constitution of Turkey, or that of the Gentoo government, upon just the same principle. But it had been usual, when persons had gone into a question, to state which side of a question they meant to maintain. He confessed he did not know to what side of the question to apply what had been said. He did not know whether his right honourable friend was for or against reading the clauses, paragraph by paragraph. He wished he would favour the Committee with the reasons which induced him to think the bill should be read paragraph by paragraph, or not.

Mr. Grey said it was perfectly true that when a government was to be provided, strictly speaking, he understood that any member had a right to support any form of government, or to shew the evil tendency of another system which had been recommended by others. Yet he thought his right honourable friend had precluded himself from that by stating the view and purpose for which he brought forward that measure. He had said that he did not believe there was a man in that House who wished to alter the constitution; and Mr. Grey believed his right honourable friend was perfectly sincere in that idea: upon what ground then, and upon what principle, was it necessary to go into the French constitution? Because the right honourable gentleman knew a design existed somewhere to overturn the fundamental principles of our constitution. The right honourable gentleman had repeatedly declared that he knew such a design existed. Now if this was his ground, Mr. Grey wished to appeal to the right honourable gentleman himself, and to the Committee, whether that business ought to be discussed on the Canada bill; and whether that was a fit moment for such a discussion? It

was a duty which that right honourable gentleman owed to his country to discover that design; and if any person was more called upon than another to wish that the discussion should be seriously taken up, it was the right honourable gentleman opposite to him (Mr. Pitt), who was bound to watch over the interests of the country, and to take care that no such design should be carried into effect, and therefore Mr. Grey hoped that the right honourable gentlemen would unite with him in requesting his right honourable friend to drop this business on the Canada bill, and to make a direct charge with all that gravity which the most serious mode of form would allow, for bringing it with due solemnity before the House.

Mr. Chancellor Pitt hoped the honourable gentleman would not call on him to give him an answer, till he could do it consistently with order. He doubted whether what had just been delivered by the honourable gentleman was a speech in order; and unless some question had been moved, or order made to stop the right honourable gentleman, he said he could give no answer without being guilty of an irregularity.

Mr. Grey said, it was not his custom to call for an answer from the right honourable gentleman, when he was precluded from giving that answer. He repeated it, that if any member knew of a design existing to overturn the constitution of the country, it was the duty of that member to bring it forward; and he requested the right honourable gentleman to unite with him in entreating his right honourable friend to put an end to a discussion which could not then, with propriety, come before the House. He therefore again called on the right honourable gentleman to adopt the mode of naming a day when he might bring forward the subject properly, and have it regularly discussed.

Mr. Sheridan made the same application to the right

honourable gentleman opposite to him (Mr. Pitt). He was extremely glad, he said, to find that right honourable gentleman had professed himself an advocate for order.

Mr. Chancellor Pitt called Mr. Sheridan to order. He submitted it to the Committee, whether, when the question was with respect to the order or disorder of the right honourable gentleman, the honourable gentleman (Mr. Sheridan) had a right to digress from that question?

Mr. Sheridan said, the right honourable gentleman who was out of order, spoke to order. He said, if there were any design to overturn the constitution, it was the duty of that House, and particularly of that right honourable gentleman, to endeavour to follow up the idea, and to prepare, in a fair manly way, for the discussion. (Mr. Sheridan was going on, when he was called to order by Mr. Orde.)

Mr. Sheridan thought it his duty to interrupt the right honourable gentleman whenever he spoke on that question. He had been stating matters which he thought required a separate discussion.

Colonel Phipps called Mr. Sheridan to order.

Mr. Chancellor Pitt said, whenever any body conceived the right honourable gentleman was out of order, they got up and interrupted him. The only way to bring this to a point would be to move, that it was disorderly for him to advert to the French constitution in the present debate. He said he himself could not interrupt him, unless he was convinced he was out of order.

Mr. Burke again submitted to the Committee whether he was orderly or not. He desired to proceed no further without taking the sense of the House upon it. When he spoke of a design that was formed in this country against the constitution, he said, he spoke with all the simplicity of a member of parliament. He did not imagine there were any plots, but he had a knowledge or conviction of them. Mr. Burke complained that his friends had not used him with candour. He said, if they reluctantly forced

him to take a regular day, he should certainly do it, provided they gave him a regular parliamentary call to do it.

Mr. Grey said, he certainly did not mean to shrink from any thing he had before stated. He did not know he could call upon the right honourable gentleman to bring forward the measure, but if the right honourable gentleman knew of any design, it certainly was his duty to mention it.

Mr. Burke asserted that there was such a design, so far as could be collected from the conduct of certain persons in the country, to put us out of love with our constitution. If he was called on regularly, he should certainly make good his charge.

Mr. St. John called Mr. Burke to order a second time. He should think it necessary to take the opinion of the House on his conduct.

Mr. Burke said an attempt was now made, by one who had been formerly his friend, to bring down upon him the censure of the House: it was unfortunate, he said, for him sometimes to be hunted by one party, and sometimes by another. He considered himself to be unfairly treated by those gentlemen with whom he had been accustomed to act, but from whom he now received extreme violence. He should, he said, if the tumult of order abated, proceed in the account he was going to give of the horrible and nefarious consequences flowing from the French idea of the rights of men.

Lord Sheffield spoke to order. Whatever might be said by gentlemen on the other side of the House to the contrary, his lordship declared he was convinced that the right honourable gentleman was disorderly, and would move, "That dissertations on the French constitution, and to read a narrative of the transactions in France, are not regular or orderly on the question, that the clauses of the Quebec Bill be read a second time, paragraph by paragraph."

Mr. Fox seconded the motion.

Mr. Chancellor Pitt was glad of the motion, as it reduced the debate to something like order. He said he considered the introduction of a discussion on the French constitution to rest on discretion and order, which were two distinct things: he explained their difference, and said, for his own part, he would use no vehement language, nor any word that might give umbrage: not conceiving, however, that the right honourable gentleman was disorderly, he should certainly give his negative to the motion.

Mr. Fox said, he was sincerely sorry to feel that he must support the motion, and the more so, as his right honourable friend had made it necessary by bringing on, in so irregular a manner, a discussion of a matter by no means connected with the Quebec Bill, in a manner which he could not help thinking extremely unfair, but which he must consider as a direct injustice to him. If the right honourable gentleman's argument over the way with regard to order was to obtain order, it was a mode of order that would go to stop every proceeding of that House, especially in committees. It was proper to debate the principle of a bill in the second reading of it; and referring to matter that might be analogous, much latitude would be required. The Quebec Bill had been read a second time, and was decided. If gentlemen, therefore, when a bill was in a committee, would come down and state in long speeches, general answers to all possible objections, to clauses that might be proposed, but were never meant to be proposed, debates might be drawn to any imaginable length, and the business of the House suspended at the pleasure of any one of its members. The argument which some gentlemen might possibly move, that the chairman leave the chair, was applicable to every clause, and to every stage of the bill in the Committee; and if on that account every species of volunteer argument was to be held in order, it would be impossible for business to proceed. His right honourable friend, instead of debating

the principle of the bill, in any stage, which was usual, had come down, not to debate the clauses, but to fortify misrepresentations of what he had said in a former debate, which his right honourable friend did not even hear. Order and discretion in debate had been said to be distinct; with him, Mr. Fox declared, they never should be separate. Where the distinction lay he could not see, for he always conceived that order was founded on discretion. He was not in the habit of interrupting any gentleman on the point of order, because, unless the deviation from it was strong indeed, more time was often lost by calling to order, than by suffering gentlemen to proceed: but if he saw any discussion attempted to be introduced in a way not merely irregular, but unfair, he felt himself obliged to endeavour to stop it. Much had been said on the present occasion, of the danger of theory and the safety of practice. Now, what had been the conduct of the gentleman who looked on theory with abhorrence? Not to enter into a practical discussion of the bill, clause by clause, and to examine whether it gave, what it professed to give, the British constitution to Canada; but, having neglected to have done his duty, and attended the proper stage of debating the principle, to enter into a theoretical inquiry of what the principle ought to be, and a discussion of the constitution of another country, respecting which it was possible that he might differ from him. If this were not manifest eagerness to seek a difference of opinion, and anxiety to discover a cause of dispute, he knew not what was; since, if they came to the clauses of the bill, he did not think there would be any difference of opinion, or at most but a very trifling one. If the right honourable gentleman's object had been to debate the Quebec Bill, he would have debated it clause by clause, according to the established practice of the House. If his object had been to prevent danger apprehended to the British constitution, from the opinions of any man, or any set of men, he would have

given notice of a particular day for that particular purpose, or taken any other occasion of doing it, rather than that on which his nearest and dearest friend had been grossly misrepresented and traduced. That at least would have been the course which he himself should have taken, and therefore what he naturally expected from another. The course which his right honourable friend had chosen to take was that which seemed to confirm the insinuation urged against him, that of having maintained republican principles, as applicable to the British constitution, in a former debate on the Bill. No such argument had ever been urged by him, or any from which such inference was fairly deducible. On the French revolution he did indeed differ from his right honourable friend. Their opinions, he had no scruple to say, were wide as the poles asunder; but what had a difference of opinion on that, which, to the House, was only matter of theoretical contemplation, to do with the discussion of a practical point, on which no difference existed? On that revolution he adhered to his opinion, and never would retract one syllable of what he had said. He repeated, that he thought it, on the whole, one of the most glorious events in the history of mankind. But when he had on a former occasion mentioned France, he had mentioned the revolution only, and not the constitution; the latter remained to be improved by experience, and accommodated to circumstances. The arbitrary system of government was done away; the new one had the good of the people for its object, and this was the point on which he rested. This opinion, Mr. Fox said, he wished the time might come to debate, if opinions of his were again to be made the subject of parliamentary discussion. He had no concealment of his opinions, but if any thing could make him shy of such a discussion, it would be the fixing a day to catechize him respecting his political creed, and respecting opinions on which the House was neither going to act, nor called upon to act at all.

He had been thus catechized in 1782, when a right honourable gentleman (Mr. Dundas), in the last stage of the then administration, had said, "Admitting this administration to be bad, where are you to find a better? Will you admit men into power who say, that the representation of the people is inadequate, and whose principles would overturn the constitution?" On that occasion he had found an able defender in a right honourable gentleman, whom he could not expect to be his defender that day; but who had, in 1782, demanded in manly and energetic tones, "If the House would bear to be told that the country was incapable of furnishing an administration more worthy of trust than that whose misconduct was admitted even by its advocates?" He might now have looked for a defender to another quarter, to the bench on which he sat, and been as much disappointed. Yet the catechiser on that occasion had soon after joined another ministry, and supported that very reform of the representation which he had deprecated as more dangerous to the constitution and the country, than all the misfortunes of that administration. Were he to differ from his right honourable friend on points of history, on the constitutions of Athens and of Rome, was it necessary that the difference should be discussed in that House? Were he to praise the conduct of the elder Brutus, and to say that the expulsion of the Tarquins was a noble and patriotic act, would it thence be fair to argue that he meditated the establishment of a consular government in this country? Were he to repeat the eloquent eulogium of Cicero on the taking off of Cæsar, would it thence be deducible that he went with a knife about him, for the purpose of killing some great man or orator? Let those who said, that to admire was to wish to imitate, shew that there was some similarity of circumstances. It lay on his right honourable friend to shew that this country was in the precise situation of France at the time of the French revolution, before

he had a right to meet his argument; and then with all the obloquy that might be heaped on the declaration, he should be ready to say, that the French revolution was an object of imitation for this country. Instead of seeking for differences of opinion on topics, happily for the country, entirely topics of speculation, let them come to the matter of fact, and of practical application: let them come to the discussion of the bill before them, and see whether his objections to it were republican, and on what he should differ with his right honourable friend? He had been warned by high and most respectable authorities, that minute discussion of great events, without information, did no honour to the pen that wrote, or the tongue that spoke the words. If the Committee should decide that his right honourable friend should pursue his argument on the French constitution, he would leave the House: and if some friend would send him word when the clauses of the Quebec Bill were to be discussed, he would return and debate them. And when he said this, he said it from no unwillingness to listen to his right honourable friend: he always had heard him with pleasure, but not where no practical use could result from his argument. When the proper period for discussion came, feeble as his powers were, compared with those of his right honourable friend, whom he must call his master, for he had taught him every thing he knew in politics (as he had declared on a former occasion, and he meant no compliment when he said so), yet feeble as his powers comparatively were, he should be ready to maintain the principles he had asserted, even against his right honourable friend's superior eloquence, and maintain that the *rights of man*, which his right honourable friend had ridiculed as chimerical and visionary, were, in fact, the basis and foundation of every rational constitution, and even of the British constitution itself, as our statute book proved: since, if he knew any thing of the original compact between the people of England and

its government, as stated in that volume, it was a recognition of the original inherent rights of the people as men, which no prescription could supersede, no accident remove or obliterate. If such were principles dangerous to the constitution, they were the principles of his right honourable friend, from whom he had learned them. During the American war they had together rejoiced at the success of Washington, and sympathized almost to tears for the fall of a Montgomery. From his right honourable friend he had learned, that the revolt of a whole people could never be countenanced and encouraged, but must have been provoked. Such had at that time been the doctrine of his right honourable friend, who had said, with equal energy and emphasis, that he could not draw a bill of indictment against a whole people. Mr. Fox declared he was sorry to find that his right honourable friend had since learned to draw such a bill of indictment, and to crowd it with all the technical epithets which disgraced our statute book, of false, malicious, wicked, by the instigation of the devil, not having the fear of God before our eyes, &c. Having been taught by his right honourable friend that no revolt of a nation was caused without provocation, he could not help feeling a joy ever since the constitution of France became founded on the rights of man, on which the British constitution itself was founded. To deny it, was neither more nor less than to libel the British constitution; and no book his right honourable friend could cite, no words he might deliver in debate, however ingenious, eloquent, and able, as all his writings and all his speeches undoubtedly were, could induce him to change or abandon that opinion: he differed upon that subject from his honourable friend *toto cœlo*. Having proceeded thus far, Mr. Fox declared he had said more than he intended, possibly much more than was either wise or proper; but it was a common error, arising from his earnestness to be clearly understood; but if his sentiments could serve the other

side of the House, which had countenanced the discussion of that day, apparently in order to get at them, they had acted unnecessarily. They might be sure of him and his sentiments on every subject without forcing on any thing like a difference between him and his right honourable friend, and having once heard them, they might act upon them as they thought proper.

Mr. Burke said, that though he had been called to order so many times, he had sat with perfect composure, and had heard the most disorderly speech that was perhaps ever delivered in that House. He had not pursued the conduct of which an example had been set to him, but had heard, without the least interruption, that speech out to the end, irregular and disorderly as it had been: his words and his conduct throughout had been misrepresented, and a personal attack had been made upon him from a quarter he never could have expected after a friendship and an intimacy of more than twenty-two years; and not only his public conduct, words, and writings, had been alluded to in the severest terms, but confidential conversations and private opinions had been brought forward with a view of proving that he acted inconsistently; and now a motion was introduced which hindered him in a great measure from having an opportunity to ascertain by facts what he had stated as opinions. He could not help thinking that on the subject of the French revolution he had met with great unfairness from the right honourable gentleman, who had said as much as that he had acted and spoken rashly, without information, and unsupported by facts to bear out his deductions, and this had been treated in a manner that did little justice to his feelings, and had little appearance of decency on the part of the right honourable gentleman. However, when and as often as this subject came to be discussed fairly, and facts that he was possessed of allowed to be brought forward, he was ready to meet the right honourable gentleman hand to hand and foot to foot upon it.

Much was said against proceeding without good information. He was ready to state his proofs for all the facts he had alleged to which public proof was at all applicable: that indeed there were a few particulars on which he did not choose to take issue; because, in the present state of things in the happy country of France, he might subject his relators to the fashionable summary justice of the *lanterne*. Under a very few reserves of that kind he was ready to enter into the discussion concerning the facts in that book whenever he pleased. He might possibly fall into minute and trivial mistakes, but he was sure he was substantially right in every substantial matter of fact. To the few matters on which he declined offering proof, he pledged himself, upon his honour, that he had sufficient to satisfy a sober and considerate judgment. But this it seemed was not the cause of quarrel: it was not because this authority, or that example were mentioned, but he was accused of misrepresenting what the right honourable gentleman had said on a former day, when he owned he was not present, and which he disavowed in the most positive terms. He denied any allusion to that, or any other speech of the right honourable gentleman, and contended that he had argued on this, as he wished to do on every other occasion, in a candid, plain, and simple manner. With regard to the subject which he meant to introduce in the Committee of the Quebec Bill, the right honourable gentleman was no stranger to the grounds he meant to go upon. He opened to him very particularly the plan of his speech: how far he meant to go, and what limits he proposed to put upon himself. His reasons for forming those opinions he had mentioned in the fullest and most particular manner to him, at his own house, and walked from thence to that House with him, conversing all the time on that subject. The right honourable gentleman had then entirely disagreed with him upon it, but they had no quarrel upon it, and what the right honourable gentle-

man had said upon the subject he did not now wish to state. He would not, however, be persuaded, from what the right honourable gentleman said, to give up his purpose of stating to the House, upon this occasion, his mind with regard to the French constitution and the facts which led him to think as he did; and certainly in this he thought there could be nothing disorderly, especially when so much had already been introduced, not about the constitution of Quebec, but about the American constitution. He had asserted that dangerous doctrines were encouraged in this country, and that dreadful consequences might ensue from them, which it was his sole wish and ambition to avert, by strenuously supporting the constitution of Great Britain as it is, which, in his mind, could better be done by preventing impending danger than by any remedy that could afterwards be applied; and he thought himself justified in saying this, because he did know that there were people in this country avowedly endeavouring to disorder its constitution and government, and that in a very bold manner. The practice now was, upon all occasions, to praise, in the highest strain, the French constitution: some indeed qualified their argument so far by praising only the French revolution; but in that he could see no difference, as the French constitution, if they had any, was the consequence and effect of that revolution. So fond were gentlemen of this favourite topic, that whoever disapproved of the anarchy and confusion that had taken place in France, or could not foresee the benefits that were to arise out of it, were stigmatized as enemies to liberty and to the British constitution; charges that were false, unfounded, misapplied, and every way unfair. Doctrines of this kind, he thought, were extremely dangerous at all times, and much more so, if they were to be sanctioned by so great a name as that of the right honourable gentleman, who always put whatever he said in the strongest and most forcible view that it could appear. Thus

it had become common to set the French constitution up against the English constitution upon all occasions, when the comparison could be introduced; and then he insisted if the former was praised the latter must be proportionally depreciated. Here again he reverted to what he had been told had passed on a former day, when he said the right honourable gentleman had taken fire when the French constitution was mentioned, and had termed it the most glorious and stupendous fabric that ever was reared by human wisdom. He still insisted, that the discussion of the Quebec Bill was a proper opportunity, after what had been said, for entering upon a true and minute comparison of the French constitution with that of England, though the disorderly rage for order that prevailed that day seemed to be adopted for the purpose of precluding every fair and proper discussion. He had that day been accused, among other breaches of friendship towards the right honourable gentleman, of having provoked this discussion, to give an advantage to the right honourable gentleman's enemies, a principle that he utterly disclaimed, and never thought that any fair or candid man could have brought; however, if any could have said so before, what they had heard from the opposite side of the House this day must convince them of the contrary. In what he had repeatedly said and written concerning the French revolution, he had been accused of stating his opinions rashly and without foundation; a charge which he was certainly anxious and able to refute, if he had been allowed; and at the very time when he was going to produce facts in support of what he asserted, blended partly with private information and respectable authorities, though he perhaps might have gone greater lengths than he wished, by disclosing communications which he ought to conceal, yet being so particularly called upon, he would have done it; at this very moment he was stopped in the most unfair, and, notwithstanding, as he had al-

ready said, the rage for order, the most disorderly manner; and but for this extraordinary conduct, he would have proved that the issue of the French constitution, or revolution, which they liked to call it, was not intended for, and never could be, for the cause of liberty; but on the contrary, and ever was and ever would be, for the cause of tyranny, oppression, injustice, anarchy, and confusion.

After what had been said, nobody could impute to him interested and personal motives for his conduct; those with whom he had been constantly in habits of friendship and agreement, were all against him; and from the other side of the House he was not likely to have much support; yet all he did was no more than his duty. It was a struggle not to support any man, or set of men, but a struggle to support the British constitution, in doing which he had incurred the displeasure of all about him, and those opposite to him; and what was worst of all, he had induced the right honourable gentleman to rip up the whole course and tenure of his life, public and private, and that not without a considerable degree of asperity. His failings and imperfections had been keenly exposed, and in short, without the chance of gaining one new friend, he had made enemies, it appeared malignant enemies of his old friends. But after all he esteemed his duty far beyond any friendship, any fame, or any other consideration whatever. He had stated the danger which the British constitution was daily in from the doctrines and conduct of particular persons; however, as neither side of the House supported him in this, but as both sides thought otherwise, he would not press that point upon them now in any stronger way than he had done; but he would still aver, that no assistance which could either be given or refused to him, would ever bias him against the excellence of the British constitution; nor lead him to think well of the French revolution, or the constitution, as it was named, that was formed in its place.

The right honourable gentleman, in the speech he had made, treated him in every sentence with uncommon harshness. In the first place, after being fatigued with skirmishes of order, which were wonderfully managed by his light troops, he then brought down the whole strength and heavy artillery of his own judgment, eloquence, and abilities upon him, to crush him at once, by declaring a censure upon his whole life, conduct, and opinions. Notwithstanding this great and serious, though, on his part, unmerited attack and attempt to crush him, he would not be dismayed; he was not yet afraid to state his sentiments in that House, or any where else, and he would tell all the world that the constitution was in danger. And here he must in the most solemn manner express his disapprobation of what was notorious in the country and to the world. Are there not clubs in every quarter, who meet and vote resolutions, the contents of which was it necessary for him to enumerate? Do they not correspond all over the country, and with other countries? Do they not preach in their pulpits doctrines that are dangerous, and celebrate at their anniversary meetings, proceedings incompetent with the spirit of the British constitution? Admitting these, and he believed nobody would say his observations were ill-founded, would they hesitate a moment to pronounce such transactions dangerous to the constitution, and extremely mischievous in their nature; when added to this, infamous libels against the constitution were circulated every where. The malignity with which the right honourable gentleman had spoken his sentiments, with regard to government, and the charge of inconsistency in his political life and opinions, were neither fair nor true; for he denied that he ever had any different idea of government from what he now entertained, and had upon many occasions stated: he laid it down as a maxim, that monarchy was the basis of all good government, and that the nearer to monarchy that any government approached, the more perfect it was, and

vice versa; and he certainly, in his widest moments, never had so far forgotten the nature of government, as to argue that we ought to wish for a constitution, that we could alter at pleasure, and change like a dirty shirt. He was by no means anxious for a monarchy, with a dash of a republicanism to correct it. But the French constitution was the exact opposite of the English in every thing, and nothing could be so dangerous as to set it up to the view of the English, to mislead and debauch their minds. In carrying on this attack against him, the right honourable gentleman had been supported by a corps of well disciplined troops, expert in their manœuvres, and obedient to the word of their commander.—

[*Mr. Grey* here called Mr. Burke to order, conceiving that it was disorderly to mention gentlemen in that way, and to ascribe improper motives to them.]

Mr. Burke explained, and went on. He said he had formerly stated that he believed those who fomented what he dreaded as dangerous to the constitution, to be a very small number indeed: it was not from their numbers now; but if the spirit was suffered to ferment, who could tell what might happen? Let it be remembered there were 300,000 men in arms in France, who at the proper moment might assist that spirit; and though there might be no immediate danger threatening the British constitution, yet a time of scarcity or tumult might come, and in such a case it was certainly safer and wiser to prevent the consequences, than to remedy the evil. He recurred to 1780, and mentioned the dreadful consequences of the riots occasioned by Lord George Gordon. Had he at that time cautioned the House to beware of the Protestant association, and other caballing meetings, he supposed his cautions would have been treated in the same way as those he offered now; but he trusted no person would wish again to see such destruction and disorder: the houses of some of the best men that ever adorned the country, the Marquis

of Rockingham, and Sir George Saville, beset by the mob, and obliged to be defended by armed force; they surely could not desire again to behold camps in all our squares, and garrisons in our palaces. As to the present state of this country, he described the king as in full power in all his functions, that his ministers were responsible for all their conduct; that the country was blessed with an opposition of strong force, and that the common people were united with the gentlemen in a column of prudence. From all which he argued that the present was the moment for crushing this diabolical spirit, and every trivial attempt to subvert the principles of the constitution ought to be watched with the greatest jealousy and circumspection; when he spoke of our constitution as valuable, he spoke of the whole complete, and not of any particular or predominant part; and therefore thought it wiser to be prepared for any attack that might be made upon it, than to trust that we could preserve it, even after the attack was made. Having dwelt for some time on this point, he next began to recapitulate the political questions upon which he had differed with the right honourable gentleman upon former occasions, particularly the several attempts that had been made for a parliamentary reform, the Dissenter's Bill, and the Royal Marriage Act: perhaps, too, in other instances; but in all these, in the course of their acquaintance and intimacy, no one difference of political opinion had ever for a moment interrupted or affected their friendship. It certainly was indiscretion, at any period, but much greater at his time of life, to provoke enemies, or give his friends cause to desert him; yet if that was to be the case, by adhering to the British constitution, he would risk all, and, as public duty and public prudence taught him, in his last words exclaim, "Fly from the French constitution." (It was whispered by Mr. Fox, there was no loss of friends.) Mr. Burke said, yes, there was a loss of friends, he knew the price of his conduct: he had done

his duty at the price of his friend: their friendship was at an end. He had been told, that it was much better to defend the English constitution, by praising its own excellence, than by abusing other constitutions, and certainly the task of praising was much more pleasant than that of abusing; but he contended that the only fair way of arguing the merits of any constitution, was by comparing it with others; and he could not speak with propriety of the excellence of the English constitution, without comparing it with the deformity and injustice of the French, which was the shade that brought its colours forward in the brightest point of view; and omitting to do it, would be like presenting a picture without a shade. He would warn the right honourable gentlemen, who were the great rivals in that House, that whether they should in future move in the political hemisphere, as two flaming meteors, or walk together as brethren, that they should preserve and cherish the British constitution; that they should guard against innovation, and save it from the danger of these new theories. In a rapturous apostrophe to the infinite and unspeakable power of the Deity, who with his arm, hurled a comet like a projectile out of its course, who enabled it to endure the sun's heat, and the pitchy darkness of the chilly night; he said that to the Deity must be left the task of infinite perfection, while to us poor, weak, incapable mortals, there was no rule of conduct so safe as experience. He concluded, with moving an amendment, that all the words of the motion, after "Dissertation on the French constitution," should be omitted, and the following be inserted in their room, "tending to shew that examples may be drawn therefrom; and to prove that they are insufficient for any good purposes, and that they lead to anarchy and confusion, and are consequently unfit to be introduced into schemes of government, are improper to be referred to on a motion for reading the Quebec Bill paragraph by paragraph."

In the course of the preceding speech, Mr. Burke having said that Mr. Fox had of late years forborne that friendly intercourse with him by visits, &c. which he had formerly preserved, the latter in reply, said, that the omission complained of was purely accidental; that men at different periods fell into different habits; and without any intentional neglect, it frequently happened that they did not see their friends so often as they might have done in preceding years; but at the same time, that their friendship was as warm and as sincere as ever.

Mr. Burke likewise, while in one of the parts of it, where he was reasoning with great warmth, checked himself, and addressing himself to the Chair, said, "I am not mad, most noble Festus, but speak the words of truth and soberness."

Mr. Fox rose to reply, but his mind was so much agitated, and his heart so much affected, by what had fallen from Mr. Burke, that it was some minutes before he could proceed. Tears trickled down his cheeks, and he strove in vain to give utterance to feelings that dignified and exalted his nature. In justice to the House it must be said, that the sensibility of every one present seemed to be uncommonly excited upon the occasion. Being at length recovered from the depression under which he had risen, Mr. Fox proceeded to answer the assertions which had caused it. He said, however events might have altered the mind of his right honourable friend, for so he must call him, notwithstanding what had passed, because, grating as it was to any man to be unkindly treated by those who were under obligations to him, it was still more grating and painful to be unkindly treated by those to whom they felt the greatest obligations, and whom, notwithstanding their harshness and severity, they found they must still love and esteem. He could not forget, that when a boy almost, he had been in the habit of receiving favours from his right honourable friend; that their friendship had grown with

their years, and that it had continued for upwards of twenty-five years, for the last twenty of which they had acted together, and lived on terms of the most familiar intimacy. He hoped, therefore, that notwithstanding what had happened that day, the right honourable gentleman would think on past times, and, however any imprudent words or intemperance of his might have offended him, it would show that it had not been, at least intentionally, his fault. The right honourable gentleman had said, and said truly, that they had differed formerly on many subjects, and yet it did not interrupt their friendship. Let the right honourable gentleman speak fairly, and say, whether they could not differ, without an interruption of their friendship, on the subject of the French revolution, as well as any of their former subjects of difference. He enumerated severally what those differences of opinions had been, and appealed to his right honourable friend, whether their friendship had been interrupted on any one of those occasions. In particular, he said, on the subject of the French revolution, the right honourable gentleman well knew that his sentiments differed widely from his own: he knew also, that as soon as his book on the subject was published, he condemned that book both in public and private, and every one of the doctrines it contained. Mr. Fox again explained, that Mr. Burke's conduct appeared as if it sprung from an intention to injure him, at least it produced the same effect, because the right honourable gentleman opposite to him had chosen to talk of republican principles, as principles which he wished to be introduced into the new constitution of Canada, whereas his principles were very far from republican in any degree. If, therefore, his right honourable friend had thought it necessary to state to the House his sentiments on the French revolution, he might have done it on any other occasion, with less injury to him, than on the Quebec bill, because his doing it then confirmed and gave weight to the misrepresenta-

tions of the right honourable gentleman opposite to him, and not only that, but put it out of his power to answer him properly. Besides, he had, as every other man must have, a natural antipathy and dislike to being catechized as to his political principles. It was, he said, the first time that ever he heard a philosopher state, that the way to do justice to the excellence of the British constitution, was never to mention it without, at the same time, abusing every other constitution in the world. For his part, he had ever thought that the British constitution, in theory, was imperfect and defective, but that in practice it was excellently adapted to this country. He had often publicly said this; but because he admired the British constitution, was it to be concluded that there was no part of the constitution of other countries worth praising, or that the British constitution was not still capable of improvement? He therefore could neither consent to abuse every other constitution, nor to extol our own so extravagantly as the right honourable gentleman seemed to think it merited. As a proof that it had not been thought quite perfect, let the two only reforms of it be recollected that had been attempted of late years; the reform relative to the representation in parliament of the right honourable gentleman opposite to him; and the reform of the civil list by his right honourable friend. Was it expected that he should declare the constitution would have been more perfect, or better, without either of those two reforms? To both had he given his support, because he approved both; and yet they were both tests, one to retrench the influence of the crown, the other to enlarge the representation of that House; and would the right honourable gentleman say he was a bad man for having voted for both? He was, Mr. Fox said, an enemy to all tests whatever, as he had hitherto thought the right honourable gentleman was, and therefore he objected to every man's being expected to have his political principles put to the test, by his being obliged to abjure every other constitution but

our own. Such a mode of approving one's zeal for the latter reminded him of the man who signed the thirty-nine articles, and said he wished there were a hundred and thirty-nine more, that he might have signed them too, to prove his orthodoxy. Nothing but the ignominious terms which his right honourable friend had heaped on him (Mr. Burke said, loud enough to be heard, that he did not recollect he had used any). My right honourable friend, said Mr. Fox, does not recollect the epithets: they are out of his mind: then they are completely and for ever out of mine. I cannot cherish a recollection so painful, and from this moment they are obliterated and forgotten. Mr. Fox then pursued his argument, and expressed his surprise that his right honourable friend had talked of the friends who sat near him as a phalanx, and as disciplined troops; if by that he meant that any improper influence had been exercised, or attempted to be exercised, on their minds, he disclaimed the idea; and indeed his right honourable friend best knew, so long as he had acted with them, when any such influence had been exercised over his own mind. He declared he could not but be sorry that such a character of a party linked together on the most honourable principles should come from one of their own corps. He had imagined that his right honourable friend knew more of them than to impute such conduct to men of their description. The fact was, Mr. Fox said, that upon his honour no one of the honourable gentlemen near him, who had risen that day, and called his honourable friend to order, had been desired by him to do so; on the contrary, wherever he was likely to have his application complied with, he had earnestly entreated his friends not to interrupt the right honourable gentleman. He admitted that no friendship should exist in the way of public duty; and if his right honourable friend thought he did service to the country by blasting the French revolution, he must do so, but at the same time he must allow others, who thought diffe-

rently, to act in a different manner. Mr. Fox alluded to what Mr. Burke had quoted from Montesquieu, and declared he agreed with Montesquieu in his observation on the British constitution; but could not admit that Montesquieu meant to say that it was a model for all other countries. If he referred to what had passed in 1780, the right honourable gentleman would say that he raked into all the transactions of his life. Mr. Fox declared he would not, unless it redounded to his honourable friend's honour, and to the glory of his character, and where could he find the incident that did not? In the year 1780, it had been the opinion of that House, "that the influence of the crown had increased, was increasing, and ought to be diminished." His right honourable friend had agreed to that resolution, and thereby declared that the constitution was not perfect without such reduction. Would he not grant to the French the same right that he had himself exercised? If the influence of the British crown, which consisted in the civil list, in the army, navy, and the power of giving places and honours, was so great as to be thought dangerous, what, in the eyes of reflecting Frenchmen, must have been the extravagant influence of the crown of France? With a civil list ten times as large as our's; with a navy almost as large; an army tenfold; a church more than tenfold; must they not, as we had done, pursue the course of diminishing its power? When, in addition to this, they had to deplore the degree of corruption and despotism into which the whole of their government had fallen, was it not right that they should endeavour to better their condition, and to extricate themselves from their misery and slavery? His right honourable friend had said that they must not hear of the French constitution, because it was diametrically opposite to our's: how that could be he could not easily comprehend. His right honourable friend had also asserted, that evil must not be done, that good might come out of it: that must be left to God alone; what, Mr. Fox asked,

did his right honourable friend think of the occasion of the war? War, in itself, was certainly an evil; civil war a moral evil; and yet war was often commenced that good might come out of it. If original rights were totally to be disregarded, Mr. Fox said, he should contend that the resistance of the parliament to Charles the First, and the resistance of 1688, had been very justifiable; but the original rights of men were, in his opinion, the foundation of all governments and all constitutions, which were a compact between the governors and the governed, binding on both sides. He would not say that the government of France was good; it was undoubtedly capable of improvement, and would be amended by degrees. How, he asked, did we make our own government? By sending to Greece or Rome for a pattern for our constitution? No; but by gradually improving our government, which was bad at first, and which grew better in proportion as experience suggested alteration. The French would in time experience the defects of their government, and would have the same opportunities of correcting it.

With regard to his honourable friend's enthusiastic attachment to our constitution, in preference to all others, did he remember, when his Majesty's speech was made in 1783, on the loss of America, in which his Majesty lamented the loss the provinces had sustained in being deprived of the advantages resulting from a monarchy; how he had ridiculed it, and compared it to a man's opening the door, after he had left a room, and saying, "At our parting pray let me recommend a monarchy to you." In that ridicule, Mr. Fox said, he had joined heartily at the time. The French, he observed, had made their new government on the best of all principles of a government, viz. the happiness of the people who were to live under it. The French, it should be considered, were a great nation; they were inferior to England only in arts, arms, the powers of reasoning, &c. Was it not joyful, then, that she should have

cast off the tyranny of the most horrid despotism, and become free? Surely we did not wish that liberty should be engrossed by ourselves. If his right honourable friend talked of light and shade, Mr. Fox said, there was no shade so proper for the people of this country as the departed despotism of France; of which, though no more in existence, we seemed still to be afraid; and the French themselves, from a dread of the return of the spectre, did many things which appeared extravagant and absurd to us, who were cool observers of the scene passing in France. A ludicrous image of this was given by the first of our dramatic poets, who makes Falstaff say, "I fear this gunpowder Percy, though he be dead." The right honourable gentleman has said that he shall lose my friendship, continued Mr. Fox, but this I assure him he shall not lose. He has also said, he should lose that of the friends about him, because he stands up for the constitution of this country. I, however, hope that my friends are as fond of that constitution as the right honourable gentleman is, and that the example of France will make them cautious not to run into the same errors, and give the same provocation to the people. With regard to tests, Mr. Fox said he would not believe his honourable friend had altered his sentiments on that head, till he saw him voting for one. France had established a complete unequivocal toleration, and he heartily wished that a complete toleration was also established in England. Because troubles had happened at the time the French were changing their constitution, should we say that they would also happen in England, were any alteration made in our constitution? He must contend for the contrary; and as he thought that the British constitution was capable of improvements, so did he think the greatest improvements might be engrafted on it by degrees, with success, and without any violation of the public tranquillity.

Mr. Fox said, he lamented the difference that had hap-

pened, but he hoped, that when his right honourable friend came to turn in his mind all the circumstances that had occasioned it, he would forget what was past. His right honourable friend had said, that if he were to quote some of his expressions on particular occasions, he could prove his inconsistency. Mr. Fox acknowledged that no member of that House was more apt to let expressions fall which, perhaps, were rash and imprudent, than he was. He knew he had done so: but his right honourable friend never let any thing fall but what did him honour, and might be remembered to his credit. Mr. Fox now proceeded to speak of the reasons which had induced the right honourable gentleman and himself to enter into a systematic opposition to the present administration: this was not, he said, for the purpose of obtaining power and emolument by the means of a faction; but he had ever understood they and their friends had formed a party for supporting the true principles of the British constitution, and watching the prerogative. After expatiating on this, Mr. Fox said, "let the right honourable gentleman maintain his opinions, but let him not blame me for having mine." He then noticed the cruel and hard manner in which his right honourable friend had used him, and spoke feelingly of the pain he had given him. The course he should pursue, he said, would be to keep out of his right honourable friend's way till time and reflection had fitted him (Mr. Burke) to think differently upon the subject, and then, if their friends did not contrive to unite them, he should think their friends did not act as they had a right to expect at their hands. If his right honourable friend wished to bring forward the question of the French revolution on a future day, in that case he would discuss it with him as temperately as he could. At present he had said all that he thought necessary, and let his right honourable friend say what he would more upon the subject, he would make him no further reply.

Mr. Burke said, that the tenderness which had been displayed in the beginning and conclusion of the speech had been completely done away by what had occurred in the middle part. Under the mask of kindness for him, an attempt had been made to injure his character, and attack the whole of his public conduct. The event of this night's debate, in which he had been interrupted, without being suffered to explain, in which he had been accused and had not been heard, made him at a loss now to understand what was party or friendship. He had indeed, as had been alleged, proposed a reduction of the power of the crown; but he had proposed it only so far as he considered it necessary; and though his views had not been complied with, no bad consequence had followed. In 1784 an attack had been made, not upon the form, but upon the spirit of the constitution. His opposition to this attack had not been single and unsupported. He had not, indeed, succeeded in procuring a remedy. He knew not, indeed, where the remedy was to be found. The evil arose from the people; and till they should be made sensible of the disease, how was it possible to apply the means of cure? He did not expect that his jests, that hasty or careless expressions, should have been recorded against him, and mustered up in the form of accusations: and yet all this was done under the mask of friendship! He had been charged with inconsistency, but he desired that there should be shewn one word, one expression, one act or occasion, in which he had discovered the smallest inconsistency. It had been said that the British constitution might in some points be amended. But had he ever affirmed that it or any other human constitution might not? It had been charged upon him, that he thought it necessary to abuse every other constitution in order to praise the British; but had he ever displayed any such spirit? On the contrary, he should never have thought it necessary to bring forward the French constitution as the subject of

animadversion, had not attempts been made to introduce the monster into this country. He had heard the right honourable gentleman, who now appeared as so violent an advocate of the French constitution, say, that the King of France was the best intentioned sovereign in Europe. This king might now be said to be in jail. In consequence of his good nature, indeed, he had been ruined. He had gone on from concession to concession, from the grant of one indulgence to another, till at last he found himself deprived by his subjects of his own rights, thus holding out a memorable lesson to all monarchs, to be watchful in preserving their privileges, and cautious in guarding against the encroachments of their subjects. Political truth, it had been said, gains by discussion; but it was surely not that sort of discussion which had taken place that evening, in which his facts had not been allowed to be produced, and his arguments had not been heard. A serious danger, as he had stated before, and would now repeat, was to be apprehended from the introduction of the principles of the new constitution into this country. If there should be formed in this country a party, however small, who might join with those abroad, what evils might not ensue? However small might be the party inimical to the constitution in this country, yet they were not less to be dreaded: they would not want the support of numbers. The constitution of this country leans to monarchy: it was necessary that all parts of it should be defended together. All the parts of the constitution had now been attacked. Libels were circulated against the constitution by societies who assumed the name of constitutional. Nay, libels were circulated through the country in the name of the crown, and under the pretended sanction of his Majesty's ministers, and from that authority recommended to the perusal and attention of the people. Such libels, issued in the name of the crown, and eagerly devoured by the ignorant and hot-headed multitude, had been in a great measure the

source of the evils in France, and their progress was to be guarded against in this country. The new constitution in France had been called a stupendous fabric of wisdom. He had thought that the right honourable gentleman had possessed a better taste in architecture than to bestow this magnificent epithet on a building composed of untempered mortar. For his own part, when he saw the new temple, he wept. He considered it as the work of Goths and Vandals, where every thing was out of place, disjointed, and inverted. It had been said, that he did not love tests; yet if his intimacy should be renewed with the right honourable gentleman, he might explain to him that it was necessary that some evil should be suffered, in order to obtain a greater good.

In France, it had been asserted by the right honourable gentleman, prevailed the largest religious toleration. It would be judged of what nature was that toleration, when it was understood that there the most cruel tests were imposed. Nay, tests were imposed for the most inhuman of all purposes, in order to deprive those, of whom they were exacted, of their bread. The treatment of the nuns was almost too shocking to be mentioned. These wretched girls, who could only be animated by the most exalted religious enthusiasm, were engaged in the most painful office of humanity, in the most sacred duty of piety, visiting and attending the hospitals. Yet these had been dragged into the streets: these had been scourged by the sovereigns of the French nation, because the priest, from whom they had received the sacrament, had not submitted to the test. This proceeding had passed not only unpunished but uncensured. Yet in the country in which such proceedings had happened, had been said to subsist the largest religious toleration. The present state of France was ten times worse than tyranny. The new constitution was said to be an experiment; but it was not true. It had already been tried and been found to be only produc-

tive of evils. They would go on from tyranny to tyranny, from oppression to oppression, till at last the whole system would terminate in the ruin and destruction of that miserable and deluded people. He stated that his opinion of the revolution in America did not at all militate with his opinion of the revolution of France. In that instance he conceived that the people had had some reason for the conduct which they had pursued. There was an expression of his which had been taken exception at, "well disciplined troops." He only meant that every body of men who acted upon a method and in concert were well disciplined. He was sorry for the present occasion. Sufficient to the day was the evil thereof. Yet, let the evil be to him if the good was to many. He hoped that they would not barter the constitution of this country, the eternal jewel of their souls, for a wild and visionary system, which could only lead to confusion and disorder. With regard to pretences of friendship, he must own that he did not like them, where his character and public conduct, as in that instance, had been so materially attacked and injured. The French principles in this country, he had been told, would come to some head. It would then be perceived what were their consequences. Several of the gentlemen were young enough to see a change. They would be enterprising enough to act a part. It would then be seen whether they would be borne on the top, or encumbered in the gravel. In going along with the current, they would most certainly be forced to execute and approve many things very contrary to their own nature and character.

Mr. Chancellor Pitt said he rose to take notice of the very extraordinary situation in which the House stood, but would say only a very few words: and indeed the only subject to which, as the question then stood, he could speak, was one which excluded him from going into any debate upon it. They had been engaged for some hours in an unfinished debate on a question of order moved in the

middle of the right honourable gentleman's speech on the question of reading the clauses in the Quebec bill, paragraph by paragraph; and the question of order was, whether the right honourable gentleman should be permitted to go on in an argument on the subject of the French revolution which he had begun, but had been frequently interrupted by having been called to order by different gentlemen on the other side of the House. The right honourable gentleman opposite to him (Mr. Fox), had spoken early in the debate on the question of order, and had given it as his opinion that it was disorderly for the other right honourable gentleman to enter into a discussion respecting the late revolution in France; and yet the right honourable gentleman himself had, in his own speech, gone directly to that discussion, and the Committee had since heard two speeches from each of the right honourable gentlemen immediately upon the subject of the French revolution. For his own part he had all along been of opinion that the right honourable gentleman who opened the first debate had been strictly in order in introducing his opinions on the French revolution, when speaking on a subject of a constitution to be provided for Quebec, although he could not but think that every asperity and censure on that event had, for various reasons, better be avoided; circumstanced as the Committee then stood, he said he felt a considerable degree of embarrassment: he did not think it consistent with decorum to move any amendment to the question of order, nor that any advantage was likely to result from taking the sense of the House upon it. The only advisable thing to be done was to withdraw it; but to that there was clearly an obstacle, though he hoped not altogether an insuperable one. It was usual, he believed, to obtain the consent of the mover of any question previous to its being withdrawn, but in the present case the noble lord who had proposed the question had withdrawn himself. His having left the House, how-

ever, might be presumed to be a pretty strong implied consent on the part of the noble mover to its being withdrawn, and therefore he should suggest that measure.

Mr. Pitt then recurred to the first debate, and said, that upon the question whether the clauses of the bill be read paragraph by paragraph, any gentleman who thought the general principle of the bill and the principles of the clauses so objectionable that they could not be so modelled and matured by correction in a Committee as to be made fit to pass, was undoubtedly entitled to state his objections to the bill; and therefore he had thought the right honourable gentleman perfectly in order in the mode he had adopted; but it had been supposed that he had given an opinion that the right honourable gentleman's arguments and doctrines were not to be supported either by him or any of those honourable friends who generally voted for him. Now, it was to be recollected that he had declined giving any opinion whatever on the subject, and had carefully avoided doing so, declaring that he did not think it proper for him, in the situation in which he stood, to enter into discussion of an opinion on the constitution then forming in a neighbouring country. With regard to what the honourable gentleman had said of a misrepresentation by him of that right honourable gentleman's words in a former debate on the Quebec Bill, if he had given any misrepresentation of the right honourable gentleman's speech, he had given it in the right honourable gentleman's own words, and in his presence; if, therefore, he had mistaken or mis-stated any thing the right honourable gentleman had said, it had been in his own power to set him right at the instant, and not let a wrong impression of his words go abroad. The fact was, that in discussing the subject of the new constitution for Canada, he had suggested his intention to propose, as the bill, in fact, did provide, an hereditary council, in imitation of our House of Lords; whereas the right honourable gentleman had

suggested that, in his opinion, an elective council would be preferable; and as the right honourable gentleman had just been talking of the governments of the Independent and United States of America, which were republics, he (Mr. Pitt) had conceived that the right honourable gentleman was inclined to think that a greater infusion of republican principles into the new government of Canada would be better adapted to that province than a constitution more exactly similar to our own, and therefore, in his reply, he had given his sentiments against any greater infusion of republicanism into the new constitution of Canada, than at present subsisted in the British constitution. That was precisely what he had said, and that he conceived was no misrepresentation of the right honourable gentleman's speech. As to the publications which the other right honourable gentleman had stated to have been disseminating throughout this country, with a view to extol the French revolution and its consequences, and to induce the people to look into the principles of their own constitution, he did not venture to think that there might be no danger arising from them; but when he had said that he saw no cause for immediate alarm from them, it was because he was of opinion that they were the less dangerous at that time, since he could not think the French revolution or any of the new constitutions could be deemed an objection fit for imitation in this country by any set of men, or that such an attempt should ever be made. There was such a fund of good sense in that House, and such a love for the constitution implanted in the minds of the people in general, that he saw no reason to apprehend any one revolution in this country. But although he was not desirous of going with the right honourable gentleman in his comments on the French revolution, and little apprehensive as he was of a similar revolution taking place in this country, yet he agreed with that right honourable gentleman that our own constitution was inestimable; and that not only no other

constitution was preferable, but that no other whatever, as adapted to the genius of the people and the security of popular freedom, would bear a moment's comparison with it. The right honourable gentleman, he observed, had intimated that he was to receive no support from him, nor from any near him, in his arguments that day. The fact was, he said, that they had not got so far into the debate that it was possible for the right honourable gentleman to have heard from him, or from any of his friends, whether they meant to support him or not. He had already declared that, for various reasons, he did not wish to enter into any discussion on the subject of the French revolution; and if, hereafter, there should appear more serious ground of apprehension that there was any design to subvert our constitution, and that ground should be stated by the right honourable gentleman, he should not only receive his warmest and most effectual support, but no gentleman, who thought as he did, he was persuaded, would refuse his support to the right honourable gentleman. He thought the right honourable gentleman entitled to the gratitude of his country, for having that day in so able and eloquent a manner stated his sense of the degree of danger to the constitution that already existed, and did assure him, that although he was of opinion that our constitution was capable of gradual and temperate melioration and amendment in some few of its principles, yet so fully and perfectly was he persuaded of its being preferable to that of any other constitution in the world, that he would cordially co-operate with the right honourable gentleman in taking every possible means to preserve it, and deliver it down to posterity, as the best security for the prosperity, freedom, and happiness of the British people. In the course of his speech, Mr. Pitt hinted that it would be impossible for them, at that late hour, to go into the discussion of the clauses of the bill.

Mr. Fox immediately rising, acknowledged that the right

honourable gentleman had given a pretty fair account of what had passed the other day upon the Quebec bill, and he was obliged to him for having explained his meaning. In the proposition of having the Council elective, rather than hereditary, he declared he did not think there was any thing like instilling republican principles into the new constitution for Canada; of which, he was satisfied, he should be able to convince the right honourable gentleman who had just sat down, as well as the right honourable gentleman near him, when they went into the debate on the clauses of the bill. When that day came, Mr. Fox said, he hoped the right honourable gentleman near him would come down to the House and join in the debate, as he was anxious to get to practice from theory; and whatever the right honourable gentleman himself might think, all his arguments that day had been mere theories, and nothing else. Mr. Fox declared he was not to be imposed on by sounds, so as to be startled at the name of republican principles: there was in our constitution something of those principles, inasmuch as that House was elective; but it was on account of the bad use of the word "republican," and the purpose to which it might be converted, that he had been anxious to have his former arguments explained. They all knew that the word "republican" was a watch-word, always unfairly applied to any man, when the object was to run him down, and exasperate the country against him. He should therefore be glad when they came into the clauses of the bill; because professions of principles were at all times odious to him; and indeed every body might know his principles from his political life, having never attempted or wished to disguise them. When, however, they came into the debate on the clauses, he should state his reasons why he preferred an elective to an hereditary Council for Canada, and he flattered himself not altogether without success.

It was then moved, "That the Chairman leave the chair, and ask leave to sit again."

Mr. Chancellor Pitt wished to know what day would be agreeable for the Committee to be resumed, and at length Wednesday next was agreed on.

The House adjourned.

Wednesday, 11th May.

The House having resolved itself into a Committee on the Quebec Bill, Mr. Hobart in the Chair,

Mr. Chancellor Pitt moved, "That the Bill be read clause by clause." He said, that he trusted it was not now necessary to read over the whole clauses, and that any gentleman would state his objections to any particular clause.

Mr. Hussey objected to the division of the provinces, stated in the bill, a measure which he considered as not suited to the purposes of legislation. He thought they all would become British subjects sooner if this division did not take place. He considered it, instead of tending to heal their differences, as calculated to preserve and inflame their animosities. Commerce was the chief point of view in which Quebec was of importance to this country. It behoved the House, therefore, to provide for that most essential object, the security of property. We ought to introduce the English commercial law, and leave the House of Assembly to make such alterations as they should find rendered expedient by their own peculiar circumstances.

Mr. Powys said that the reason of this division was stated to be to prevent feuds and divisions. But he very much doubted that the method of division, whether or not it came in the form of a declaration of his Majesty's intention, would be but ill calculated for this purpose.

Mr. Fox wished to be informed of one point, which had

never been explained, and that was, whether his Majesty had a power to divide the province as was then proposed.

Upon consulting the 14th George III., it appeared that the king had that authority.

Mr. Chancellor Pitt said, the point being settled that his Majesty had an authority to divide the province, the question would be whether it was fit for parliament to agree with his Majesty to establish two legislatures; and if they did not agree, they might negative the whole of the clause, and might dispose of the whole of the bill; because it proceeded all through its various clauses on the fundamental supposition of two legislatures. It appeared to his Majesty's ministers, first, that the only way of consulting the interest of the internal situation of Quebec, and of rendering it profitable to this country, was to give it a legislature as near as circumstances would admit, according to the principles of the British constitution. In the next place it appeared to them that there was no probability of reconciling the jarring interests and opposite views of the inhabitants, but by giving them two legislatures. It was conceived this form of government was best adapted to put an end to all the difficulties of a legal sort, and to render the regulations more useful to the subjects of that country. He believed that there was such a rooted opposition of interests of the one description and the other, that if there was a constitution consisting of a House of Assembly, in which the parties might be nearly balanced, the consequence, at least for a long series of years, would be a great degree of animosity, and a great degree of confusion. If one of the parties had a great ascendancy over the other, the party having the superiority was very unlikely to give satisfaction to the other party. It seemed to his Majesty's servants the most desirable thing if they could not give satisfaction to all descriptions of men, to divide the province, and to contrive that one

division should consist, as much as possible, of those who were well inclined towards the English laws, and that the other party should consist of a decided preponderancy of the ancient inhabitants, who were attached to the French laws. It was perfectly true, Mr. Pitt said, that in Lower Canada there still remained a certain number of English subjects, but these would hold a much smaller proportion than if there was one form of government for every part of the province. It was in Upper Canada particularly that they were to expect a great addition of English inhabitants. The consequence was that if it was not divided from the rest, the Canadians forming a majority of five to one, the grievance would be every year increasing in proportion as the population increased. He was ready to admit, on the other hand, that it was impossible to adopt any measure that was perfectly free from inconvenience. The division of the province might be liable to some objections, but, on the whole, it was subject to fewer objections than any other measure, and would tend more to promote their connexion with this country, or to produce good effects.

Mr. Powys owned that he was not convinced by the right honourable gentleman's reasoning. He had allowed that in this instance the interests of one part of the inhabitants of Canada were sacrificed to those of the other. He could not give up his Majesty's declaration, of which he read some part, promising to the inhabitants of Canada the British constitution.

Mr. Burke said it was evidently the intention of his Majesty's declaration, that the laws adopted in Canada should be as nearly as possible similar to those of England. Indeed it was usual in every colony to form the government as nearly upon the model of the mother country as consistent with the difference of local circumstances. It was proper that every corporation should adopt for its own use

the regulations of the community from which it held. To ascertain the propriety of dividing the provinces required a degree of local knowledge, which he did not possess; but he should take it that the measure was convenient. An attempt to join people dissimilar in law, language, and manners, appeared to him highly absurd; to join too the conquerors and the conquered must give rise to much unpleasant feeling, and many invidious distinctions. Such a measure would appear to him to sow what must be most fatal to the establishment of a new government, the seeds of discord. This geographical distribution then was in his opinion highly convenient. The upper colony was chiefly inhabited by emigrants from America: these then were desirous of the English constitution. Let the Canadians have a constitution formed upon the principles of Canadians, and Englishmen upon the principles of Englishmen. Let them be governed upon the nature of men, the only wise foundation of all governments; and let there not be adopted any wild theories, more unknown than the north-west coast of America. In this point of view he approved of the division, as accommodated to the circumstances of the country, and the natural prejudices of the inhabitants. He recommended that system of government which tends to promote the union of the good of the individual and of the public, in opposition to that which attempted to methodize anarchy. He admired the division; no, he did not possess sufficient local knowledge to admire it: but he could at least say that he did not disapprove of it. Situated as he was, in a state supported by no party, there was a voice which cried to him, beware. In the short time during which he remained in parliament, and it would be but a very short time, he would, however, support those principles of government which were founded upon the wisdom of antiquity, and sanctioned by the experience of time. On the present bill, necessary as it was

for him to be careful of what he should say, he would state the arguments that occurred to him, as they should arise, upon every clause.

Mr. Chancellor Pitt said, that there were none who from their attention to every clause were more qualified, on the present bill, to communicate information from the source of their knowledge, or draw illustration from their powers of eloquence, than the right honourable gentleman; yet he was desirous, that in considering particular clauses, regard should likewise be had to their connexion with the general tenor of the bill. It was intended to give a free constitution to Canada, according to British ideas of freedom. This could not be done without a division of the provinces, to prevent that clashing of opposite interests which must otherwise necessarily ensue. Yet even this measure, he had owned, was not free from local inconvenience, though by no means equal to the inconvenience of either not giving them a new system of government, or not providing in that system for this division of the provinces. Could it be inferred, from his Majesty's proclamation, that he was to give Canada the whole of the English laws? This proclamation was made in 1763; and by an act of parliament in 1773, all English laws had been abolished except the criminal laws. From this fact it would be judged how far it was binding on his Majesty to give to this colony the whole of the English laws.

Lord Sheffield said, that in addition to the objections which had been made to the division of the province, he thought it not justifiable, on any principle of policy or colonization, to encourage settlements in the anterior parts of America, which the division certainly tended to do. It had been much doubted whether colonies were advantageous to the mother country. Certainly those which furnished only the same products were not; but those which assisted our fisheries, and above all the West India plantations, were highly advantageous; the latter produced what

we could not; we supplied them with every thing we carried for them. They do not build ships, or vie with us in any thing, and never could manufacture for themselves. He noticed the design of building the seat of the new government on the most distant part of Lake Ontario, between which place and the mother country the communication must ever be difficult. He observed that it could not be the interest of Great Britain to form a settlement of farmers in a country which grows the same articles as our own. The expense would be great, as it must be a long time before it could maintain its own government. At the same time it would not be possible to retain the supply of such settlements, as it would not be practicable to prevent the smuggling of manufactures from the adjoining United States. He concluded by saying that it would be advisable to maintain a few posts to promote a trade with the Indians; but to encourage migration from the coast to the interior parts of that great continent, he conceived to be a system extremely unwise.

Mr. Fox asserted, that it was a mistaken inference of the right honourable gentleman, that those who disapproved of the division of the colony rejected the whole clause. They wished only to amend it, by leaving out the first part. That clause contained the whole Plan of Government, the Governor, the Legislative Council, the Assembly, to which no one had stated any objections. With regard to the different opinions of the division of the colony, there was certainly difficulties on both sides. If the division should take place, the French laws would be established as general in one province, and the English laws in another. Many had gone to settle in the colony, on the faith of his Majesty's proclamation, that the British constitution would be established. Could this division be attended with a complete separation of the old and new inhabitants, its views would then be answered. But several of those who had come on the faith of his Majesty's

proclamation resided, not in the upper, but in the lower province; and several of those who might be deemed to be hardly used, resided in the upper. But it might be answered, that the act made seventeen years since did away the proclamation. That act had given great dissatisfaction at the time, and since it had frequently been thought that it ought to be repealed. If the question of right was insisted upon, it was certainly done away legally; but in forming this new constitution, it would be more desirable to act upon the principles of good faith. Was it necessary, asked Mr. Fox, to adhere to the proclamation, that all the English laws should be introduced into the colony? None wished it, and that was a reason why they should not do it. With regard to the French laws, they might be allowed to have constitutional and municipal laws, if they were desirous that these laws should not be taken away. But, in fact, these were not the French laws at the conquest of Canada. They had sent only a part of their laws to their colony; they formed merely what was called the *custom of Paris;* but that had been long since abrogated. Hence arose the utmost difficulty in appeals to the Privy Council; the law to which they referred no longer existed; it was necessary to consult, not the French lawyer, but the antiquarian. If any middle way could be found, he owned it would be the best. He would suggest one expedient, and that was to adopt the French laws in the upper, and compel the government to alter them till they should have accommodated them to the local circumstances of the country. But as for the division, he owned that he regarded it as attended with the utmost possible inconvenience. The commerce of the upper part, in order to be carried on, must pass through the lower; and might in its passage be fettered, by the Legislature there, with whatever duties or obstructions they might choose to impose. All English merchants had complained of the loss which they had sustained from the French laws; and

affirmed that, in consequence of their uncertainty and defective regulations, whatever flourishing appearance their trade might have exhibited, they had ultimately been sufferers in every connexion with that colony. So that the result of their experience had been to abandon trade, from which the uncertainty of law had shut up every avenue of advantage.

Mr. W. Grant said that, in general, commercial laws differed but little from one another. The commercial laws of England and of France were nearly the same. All commercial laws were founded on the principle of contracts, either expressed or implied. He begged leave to correct a mistake, on a subject of which he was enabled to speak from his local knowledge. The *custom of Paris* had no reference to the regulations of commerce, but of real property. The merchants were aggrieved, not in consequence of commercial decisions, but of insolvency. The relief granted to creditors was very different in different countries. It was granted in France, according to the nature of the debts. The merchants thought that they had reason to complain, when they found the whole of the bankrupt estate run away with by French deeds, of which they knew nothing. The uncertainty of laws was, in every colony, necessarily a subject of complaint. They brought with them, only that part of the laws of the mother country which was applicable to their new situation. In Canada, the uncertainty, from the mixture of French, was still greater. Another disagreeable circumstance was, a dispute whether a collection of commercial laws, made by Lewis the XIVth, called the "*Code Marchand,*" had ever been really introduced into the colony, or ought to form part of the system. Instead of framing a new bankrupt law, would it not be better to allow any sort of an assembly to enter into the detail of regulations, which, in the local circumstances of the country, they should find most convenient? It was not to be wondered at, that appeals should be a

source of litigation, as those to whom they were made could not be supposed perfectly acquainted with the French laws.

Mr. Fox, after paying a compliment to the abilities of the honourable and learned gentleman that had spoken last, thanked him for having corrected his mistake. He had had, he said, his information from those merchants who had been themselves sufferers. But notwithstanding what had been urged, he was still in as much doubt as ever about the unintelligibility of the laws. It had been admitted by the honourable gentleman, though he had ascribed it less to the laws themselves, than to the situation of the country. If the laws were English, and they were bad, their defects would be easily perceived, and might quickly be remedied.

Mr. Burke said, the question was whether the English laws were or were not better than the French laws. He repeated what he had formerly said, that the English in Canada were attached to the English constitution and to the English laws, and that the French, from their prejudices, were equally attached to the Canadian laws. He then made some observations on the difference between debtors and creditors who were landholders, and those who stood in that relation merely from commerce. He perfectly concurred, Mr. Burke said, in opinion with what had been advanced with so much propriety by Mr. Grant: the English ought to enjoy the English constitution and the French the old Canadian constitution. Those colonies ought to be considered both with regard to commerce and also with regard to their own internal happiness.

Mr. Alderman Watson observed, that the English were attached to the constitution and laws of their country, and sought protection under them. The French were certainly attached to the Canadian laws. He complimented Mr. Grant on his abilities and knowledge, and

said, no man in that House was better qualified, from his experience and good understanding, to give them information on the subject than the honourable gentleman. All that he asked for the inhabitants of Canada, he said, was that they should enjoy the security of British laws on commercial principles. With regard to the division of the province, he saw no other mode of securing the quiet of the colony.

The Attorney General desired to make a few observations on what had fallen from the worthy alderman, respecting the state of the mercantile law in Canada, and the uncertain manner in which it was administered. He said it had fallen within his official duty, some years ago, to examine that subject very fully, and he rose from that examination confirmed in the opinion of his honourable and learned friend, that the fundamental principles upon which a merchant could recover his debt from a solvent man were not very different from those which prevailed in this country, and he believed almost every other country; and that excepting upon the subject of the law of insolvency there was a reasonable degree of uniformity in the decisions of the judges. The doubt arising from the law of insolvency arose from its being a question whether the *code marchand* of Louis the XIVth. was ever adopted in that country. It was contended on the one hand that it did not appear ever to have been registered by the Supreme Council. On the other hand, it was insisted that it had been sufficiently acted upon to shew that it might have been registered, or in some other manner adopted. In this consisted the great complaint of uncertainty; that subject, however, was in a course of decision, and consequently it would be ascertained that an insolvent law did exist, and that a law must be made suitable to the local circumstances of that country. But if it were true that the mercantile law of Canada was imperfect, the remedy of overturning it and putting a law

different in its forms and all its detail, although similar in principles, in its place, would be attended with the utmost inconvenience. It must be considered, he said, how mercantile law had been established in this country: it was by pursuing the practice of merchants in this country, which local experience had shewn to be best adapted to their profession, and as such adopted and confirmed by our courts of law.

He observed, that if, in all its minute detail, that system were carried in the lump to any other country, the utmost embarrassment might follow. In the most minute instances that detail might be found inapplicable; who could say with certainty that the same diligence which was required in this country, with respect to unaccepted or unpaid bills of exchange, would be practicable in that country? Who would say that where a certain number of days were admitted in this country, as days of grace, it would be convenient in that country? The forms of actions which would be now and then, would be suddenly introduced, require the sudden introduction of pleaders and advocates to conduct them. Mercantile law, though almost universally similar in its leading principles, was in its detail perhaps the most local of any other subject of law. He observed, that what had fallen from the worthy alderman and others shewed that when they spoke of the introduction of the mercantile law of England to supersede the present law, it was forgot that it would go far beyond the great exporter and importer (who seemed only to be in gentlemen's contemplation, and they were chiefly English); but it should be considered that it would pervade the traders of every description in the whole country.

Having reasoned upon this, the Attorney General proceeded to state that he had himself conversed with several Canada merchants, and upon representing to them the great extent of their wishes to adopt the whole mer-

cantile law of England, they unanimously exclaimed against particular parts, especially the bankrupt law. It would therefore become necessary to reflect before any mode was adopted. He thought that such a selection could only be made by a legislature on the spot, who would gradually, and as particular exigencies called for it, adopt so much of the English law as should be necessary. He observed, that the idea of ascribing losses to the imperfection of the subsisting law in Canada, prevailed so much in the minds of English merchants, that he had heard it mentioned as a grievance, that a great cargo of goods sent to Montreal had been sold, the money laid out in land, and settled by a family settlement, on a marriage, which by the law of Canada could not be reclaimed by the merchants. He observed that the law of England would have said the same, and he conceived that it would be so in most other countries: he therefore concluded with observing, that as far as leaving it to the wisdom of the local legislature to assimilate their mercantile law to that of England, instead of overturning the present laws, was an objection to the division of the province, he thought it wise and proper to give to the one part the law of England, which they were acquainted with, and leave the law of the other, subject to temperate and gradual alteration.

Mr. Francis asked Mr. Chancellor Pitt if it was his intention, by the division of the province, to assimilate the Canadians to the language, the manners, the habits, and, above all, to the laws and constitution of Great Britain?

Mr. Chancellor Pitt replied, that he certainly did mean to do so, and that he was clearly of opinion, in the present case, that an attempt to force on them those laws to which their own prejudices were averse, was not the way ever to reconcile them to the British laws and constitution. He said a great part of the commercial law of this country was

already in Canada, and he intended to leave it to the legislature of Canada to adopt such laws as they thought were suited for their situation.

Mr. Fox said, that it was not his wish to introduce all the English laws into Canada: but he thought that the system which was now pursued with regard to the government had a tendency to prevent even the probability of adopting English regulations. By being mixed, they would certainly be more liable to coalesce: and it was not recollected that while they were consulting the prejudice of the inhabitants of Lower Canada they were leaving unprovided those of Upper Canada, who were really desirous of English laws.

Mr. Hussey wished to make some inquiry about a circumstance which he believed it might be as proper to mention now as at any future stage of the bill. He had in his pocket an attested copy of a memorial to Lord Dorchester, signed by many respectable inhabitants of the province of Canada, complaining that their agent, Mr. Limeburner, upon an application to the then secretary of state (Lord Grenville) for a copy of the proposed bill, which was meant to frame a constitution for Canada, had been refused. In his opinion it would have been better that the persons who were principally interested in this bill, should have had an opportunity of knowing its contents, that we might be certain, when we were framing a law for their government, that we were doing it in a way which was likely to give them satisfaction.

Mr. Chancellor Pitt thought, that if it was deemed necessary to consult the province of Canada, further than they knew of their sentiments already upon the necessity for some new constitution, which his Majesty's Ministers had pledged themselves to bring forward, it would have been much better that the honourable gentleman, or any person who had any information upon the subject, had mentioned that circumstance before this time. As to the

application made to his Majesty's Secretary of State, he recollected hearing something of it; but at the time it was made he believed the Secretary of State thought it improper to give information to the person who applied, without any particular authority; because he considered that while he was taking every step to obtain information upon the subject, he could not give any copy of what was likely to be brought before Parliament.

Mr. Powys wished to ask one question, and he thought not an unfair one. It was, whether the Minister knew that this bill would be agreeable to that province for whose benefit it was intended? He thought it could not be so; as one set of petitioners had prayed that they might have no assembly, and for them an assembly was provided. Another had wished for an assembly, and their wishes this bill would not satisfy, because it gave them no assembly; from which he thought it was not probable that the bill was likely to be agreeable to those whose relief and advantage it was intended for.

Mr. Chancellor Pitt contended, as formerly, that Ministers were pledged to bring forward some proposition for the government of Canada, and that it was their duty to consider what was the most agreeable mode of doing it.

Mr. Sheridan said, he meant to have moved, and he hoped that some person of greater weight would yet move, that the bill should be sent over to Canada, since it would be extremely desirable to know whether the plan was likely to meet the wishes of the people, even though they waited till next session for the answer.

Sir John Sinclair proposed an amendment to the clause, the effect of which was, to prevent the division of the province.

The Chairman put the question on this amendment, which was negatived without a division.

The Chairman having read the next clause of the bill, viz.: that for the constitution of the Legislative Council,

Mr. Fox rose to oppose the clause, and object to the mode of appointing the Council. He said, that he would throw out generally his ideas as to the means of substituting what he could not but conceive to be a better mode of appointing a Council than the mode adopted in the clause as it stood. First, he laid it down as a principle never to be departed from, that every part of the British dominions ought to possess a government, in the constitution of which, monarchy, aristocracy, and democracy, were mutually blended and united; nor could any government be a fit one for British subjects to live under, which did not contain its due weight of aristocracy, because that he considered to be the proper poise of the constitution, the balance that equalized and meliorated the powers of the two other extreme branches, and gave stability and firmness to the whole (a loud cry of hear! hear!). It became necessary to look to what were the principles on which aristocracy was founded, and he believed it would be admitted to him that they were two-fold; namely, rank and property, or both united. In this country the House of Lords formed the aristocracy, and that consisted of hereditary titles, in noble families of ancient origin, or possessed by peers newly created, on account of their extended landed property. Mr. Fox said, that prejudice for ancient families, and that sort of pride which belonged to nobility, was right to be encouraged in a country like this, or one great incentive to virtue would be abolished, and the national dignity, as well as its domestic interest, would be diminished and weakened. There was also a thing to be remembered, which gave additional honour to our House of Lords, as long as established respect for the persons and families of those who, in consequence either of their own superior talents and eminent services, or of one or both in their ancestors, constituted the peerage. Aristocracy, he observed, was by no means peculiar to pure aristocracies, such as Venice and Genoa, and even to despotic

or to mixed governments. They were to be found in democracies, and were there considered as an essential part of the constitution, affection to those whose families had best served the public being always entertained with the warmest sincerity and gratitude. Thus, in the ancient republics of Athens and of Rome, they all knew the respect paid to those who had distinguished themselves by their services for the commonwealth. Upon every ground of consideration, therefore, it would be wise, and what was more, indispensably necessary, that an aristocracy should make a branch of the constitution for Canada: it was undoubtedly equally important with either the popular or the monarchical. But then the nature of the case must be considered, and he should therefore not advise the giving Canada a servile imitation of our aristocracy, because we could not give them a House of Lords like our own. The right honourable gentleman over the way appeared to be aware of this, and therefore he had recourse to a substitute for hereditary nobility. It was, however, he must contend, a very inadequate substitute; it was a semblance, but not a substance. Lords, indeed, we might give them, but there was no such thing as creating that reverence and respect for them on which their dignity and weight in the view of both the popular and monarchical part of the constitution depended, and which alone could give them that power of controul and support that were the objects of their institution. If Canada should grow into a great and flourishing colony (and he trusted that it would), as it was removed at such a distance from the principal seat of parliament, it was the more necessary to make the Council, in a considerable degree, independent of the Governor and the people; because the province being so far off, the power of controul could not be properly exercised by that House with a view to the calling upon the responsibility of ministers, and punishing them for any abuse of the prerogative, by giving wrong advice to the Council, through the

medium of the Governor. This was, he said, a clear argument why the Council ought not to be appointed by the crown.

Property, Mr. Fox said, was, and had ever been held to be, the true foundation of aristocracy; and when he used the word aristocracy, he did not mean it in the odious sense of aristocrat, as it had been lately called: with that he had nothing to do. He meant it in its true sense, as an indispensably necessary part of a mixed government, under a free constitution. Instead, therefore, of the King's naming the Council, at that distance, (in which case they had no security that persons of property and persons fit to be named would be chosen) wishing, as he did, to put the freedom and stability of the constitution of Canada on the strongest basis, he proposed that the Council should be elective. But how elective? Not as the members of the House of Assembly were intended to be, but upon another footing. He proposed that the members of the Council should not be eligible to be elected, unless they possessed qualifications infinitely higher than those who were eligible to be chosen members of the House of Assembly; and in like manner, the electors of the members of Council must possess qualifications also proportionally higher than those of the electors to representatives in the House of Assembly. By this means, Mr. Fox said, they would have a real aristocracy, chosen by persons of property from among persons of the highest property, and would thence necessarily possess the weight, influence, and independency from which alone could be derived a power of guarding against any innovations that might be made, either by the people on the one part, or the crown on the other. In answer to this proposition, Mr. Fox observed, it might possibly be said to him, if you are decidedly in favour of an elective aristocracy, why do you not follow up your own principle, and abolish the House of Lords, and make them elective? For this plain reason, because the British House of Lords

stood on the hereditary, known, and acknowledged respect of the country for particular institutions; and it was impossible to put an infant constitution upon the same footing. It would be as ridiculous to say, you shall have a House of Lords like that in England, as for a person in his closet to make, and say what degree of reverence and respect should belong to them. From what he said, Mr. Fox remarked that he might possibly be deemed an advocate for aristocracy singly: he might, undoubtedly, with as much reason as he had been called a republican. Those who pretended that he was a favourer of democratical principles had surely read very little, and little understood the subjects. He mentioned the American governments, and said he thought they had acted wisely, when, upon finding themselves reduced to the melancholy and unfortunate situation of being obliged to change their governments, they had preserved as much as they possibly could of the old form of their governments, and thus made that form of government which was best for themselves: most of which consisted of the powers of monarchy, aristocracy, and democracy, blended, though under a different name.

In order to show that his idea of an elective Council was not a new one, he said that, before the revolution, more of the Councils in our colonies were elected by the people than the king. Mr. Fox said, he had thus generally stated the outline of his proposition, upon which he did not mean to take the sense of the Committee, unless it should be the general opinion that it ought to be adopted: if he did take the sense of the Committee, and their sense should be against him, he should then propose that the Council should either be all at the nomination of the king, or all hereditary. He believed that any Council, chosen in any manner, would be better than none: to have them elected, as he stated, he seriously thought would be best; but it would be more detrimental than even the not having an elective Council, that the Governor should be left to him-

self to decide alone. He remembered it had been once said, when talking of representation, that any five hundred and fifty eight gentlemen, who could be first stopped at Hyde Park turnpike, and assembled in that House, would be of as much service to the people as they were. Mr. Fox said he by no means agreed with the proposition, or any one equally extravagant, but many were always a check to one, and a Governor might decide in his closet upon a measure so foolish and so wicked, that he would not have the face to state it to any number of persons. The very circumstance of a Governor's being obliged to have his opinion canvassed by many, was a positive advantage; and discussion, he was satisfied, always produced good. After putting this pointedly, he said, if there were to be hereditary members of the Council, they ought all to be so. The check upon making peers here, he said, he had ever considered as attended with this advantage, that when the king made a peer, he recollected that he entailed an hereditary legislature on the country. A doubt existed, Mr. Fox said, whether the king had a right to make a peer for life, without his title being hereditary, and, at this time, he understood there was such a juridical question collaterally existing in the House of Lords, which was a clear proof that the practice was unknown. If the crown had such a power, the life-peers might overwhelm the hereditary peerage, and thus destroy the constitutional controul of the aristocracy, in case they attempted to resist the crown. Thus, under pretence of aristocracy, lords might be introduced as mere tools of the minister, and give government an opportunity to destroy the constitution, and exercise despotic power in the most open shape. If, however, such an use of the prerogative should be exerted, he had no doubt, he said, that it would be soon remedied.

In the province of Canada, Mr. Fox continued to observe, the introduction of nobility was peculiarly improper, for a variety of reasons; in fact there was a sort of nobility

there already, viz. the seigneurs, who were utterly unfit, and were not respected enough to be made hereditary nobles, and yet would ministers, he asked, pass by the real nobility of the country, and create a set of people over them, whom the world called nobility, and invest them with hereditary honours? By the bye, the sort of titles meant to be given were not named in the bill; he presumed the reason was, that they could not be named without creating laughter. Having thus gone through his proposition, Mr. Fox generally remarked, that so necessary was aristocracy to all governments, that, in his opinion, the destruction of all that had been destroyed could be proved to have arisen from the neglect of the true aristocracy, upon which it depended whether a constitution should be great, energetic, and powerful. He explained that he was so far a republican, that he approved all governments where the *res publica* was the universal principle, and the people, as under our constitution, had considerable weight in the government. Mr. Fox concluded with declaring emphatically, that true aristocracy gave a country that sort of energy, that sort of spirit, and that sort of enterprise, which always made a country great and happy.

Mr. Burke and Mr. Chancellor Pitt rose at the same time, but the latter persisting, Mr. Burke sat down.

Mr. Pitt then said, that it was with great reluctance he had opposed the right honourable gentleman's being first heard, but as he had brought in the bill, and as the subject to which the right honourable gentleman who had just sat down applied, was extremely important, he felt himself peculiarly anxious to explain his sentiments upon it, immediately, while the opinion of the right honourable gentleman was fresh in the minds of the Committee. It was, he declared, with great satisfaction that he had heard a considerable part of the speech which the right honourable gentleman had just stated. He said he rejoiced at it with the utmost sincerity, since doubts had been maintained of the

right honourable gentleman's regard to our happy and excellent constitution, which the cordial, and he entertained not the least hesitation to say, the sincere testimony of the attachment which the right honourable gentleman bore to the principles of our ancestors had completely removed. He was thence proud of the advantage that he should derive from the support of the right honourable gentleman to resist any attempt that might be made contrary to our constitution. He rejoiced, he said, to have a basis for the infusion of those principles, a mixture of the democratical, the aristocratical, and the monarchical, on which had depended the safety of our constitution in preserving pure and entire the power given to the king, the people, and the country, on the maintenance of which depended our happiness and our future prospects. Aristocracy was, he contended, the true poise, as the right honourable gentleman had emphatically stated it, of the constitution: it was the essential link that held the branches together, and gave stability and strength to the whole. Aristocracy reflected lustre on the crown, and lent support and effect to the democracy, while the democracy gave vigour and energy to both, and the sovereignty crowned the constitution with authority and dignity. He joined therefore, as far as that went, with the right honourable gentleman, and agreed with him, that as much as possible of a constitution, deservedly the glory and happiness of those who lived under it, and the model and envy of the world, should be extended to all our dependencies, as far as the local situation of the colony, and the nature and circumstances of the case would admit.

Where he differed with the right honourable gentleman was, with respect to the aristocracy proposed to be infused into the constitution, which he thought might be brought much nearer to our own by other means than by those the right honourable gentleman had proposed. Our aristocracy, Mr. Pitt said, was not merely respectable on

account of its property, though that undoubtedly was no small consideration in the scale of its respectability; but it was essentially respectable for its hereditary distinctions flowing from the crown as the fountain of honour. It was on that account not less the poise of the constitution than if our aristocracy were elective; on the contrary, it was more so, because, according to the known genius and spirit of our constitution, monarchy was the source from whence the other parts arose, and therefore the more near the aristocracy was to the crown, consequently the more immediately congenial was it to the constitution itself, as originally adopted and planned by our ancestors. In that happy form, and constructed and preserved upon that wise principle, we felt the blessing of monarchy, aristocracy, and democracy all united. He should lament therefore to create an aristocracy by a selection from property alone, or by making it elective, as in either case it would render the poise nearer to the people than it was to the crown, in the British constitution. He agreed, he said, with the right honourable gentleman, that we could not give all the respect to a new nobility that belonged to an hereditary line of nobles traceable to antiquity, but we could give the same degree of respect to it as had accompanied the origin of our nobility, and succeeding ages would bestow all the rest. Mr. Pitt had laid great stress on the circumstances of the hereditary honours being derived immediately from the imperial crown of Great Britain, which he considered as a matter of peculiar value (Mr. M. A. Taylor having laughed out, while Mr. Pitt was expressing his satisfaction at finding that Mr. Fox's principles were constitutional, the Chancellor of the Exchequer took the present opportunity of saying, that he could not believe, even in the infancy of such honours, there was any thing that ought to provoke a smile). With regard to the object of hereditary nobility, he conceived it could only be gradual; but he so far differed from the right honourable gentleman,

that he thought there was something in the habits, customs, and manners of Canada, that peculiarly fitted it for the reception of hereditary honours; and in respect to seignories, he said, he imagined that some of the seignors were to be found of sufficient property and respect to make it fit that they should be among others named to those honours. The extension of commerce and of wealth in the province, which there was every reason to imagine would follow the introduction of the new constitution, would make them hold a fair weight in that constitution, and imperceptibly clothe them with that respect and influence that ought to belong to the aristocratical branch of a free government; and he was firmly persuaded, that the aristocracy flowing from the imperial crown of Great Britain, would tend materially to strengthen the system of connexion between the colony and the mother country. The want of those honours, Mr. Pitt said, had tended to accelerate the separation of the former colonies. He declared he neither wished the aristocracy to be dependent on the crown, nor on the people, and therefore he was desirous of bringing it as near to the model of the British aristocracy as possible. He feared there was not enough at present to form an hereditary peerage, and therefore we could only expect, it being an infant aristocracy, to bring it as near as circumstances would admit to our own, but they would gradually increase, till all became hereditary. He took notice of the definition which Mr. Fox had given of his republican principles, and said, as far as a regard for all governments that had the good of the commonwealth for their basis, there was scarcely a government in Europe that was not in some degree republican.

Mr. M. A. Taylor got the start of Mr. Burke, though the latter gentleman was on his legs. Mr. Taylor said, as the right honourable gentleman had called him to order for an accidental laugh, he was anxious to say that it escaped him at hearing the right honourable gentleman express his

satisfaction on finding his right honourable friend (Mr. Fox) was not so republican in his principles as he had imagined. Mr. Taylor contended that his right honourable friend had not manifested more constitutional principles that day, than he had uniformly supported throughout his political life. He instanced a proof of it, afforded on a day when the army was voted in the last parliament, and mentioned other corroborative examples.

Mr. Burke began with observing, on Mr. Taylor's having interrupted him, but had apologized for so doing with great good humour on the subject. The honourable gentleman, he said, had laughed first, and communicated the laughter to others: he hoped therefore that as the House had possibly had their laugh out, they would indulge him with a patient hearing. Mr. Burke said, he had served the House and the country in one capacity or other, twenty-six years, five-and-twenty of which he had spent within these walls. He had wasted so much of his life to a precious purpose, if that House would, at last, countenance a most insidious design to ruin him in reputation, and crown his age with infamy. For the best part of the time, he said, he had been a very laborious and assiduous, though a very unimportant servant of the public. He had not, he declared, been used with friendship; but if he was separated from his party, and left alone by them, he hoped to meet a fair open hostility, to which he would oppose himself in a firm manly way, for the very short period that he should continue a member of that House. He had felt deeply wounded, but *jam certus eundi, carpebat somnus.* With regard to the friendly censures that a right honourable gentleman had cast on him, he felt the difficulty that he had experienced the other night in a peculiar degree at that moment, because if he should reply to what he had heard from the right honourable gentleman near him, on his idea of a legislative council for Canada, and should say that his sentiments were too democratical, he should

then be liable to be pointed out as invidiously designing to prevent the right honourable gentleman's preferment, by describing him as unworthy of his monarch's favour; and if, on the other hand, in observing upon the different suggestions of the right honourable gentleman over the way, he should state that they appeared to him to be too favourable to monarchy, then he might be said to have charged that right honourable gentleman with holding principles of despotism, which would render the right honourable gentleman liable to the disfavour of that House and of the crown, both of whom he ought to honour and respect. Mr. Burke said further, that in consequence of the turn the conversation between a right honourable gentleman and himself had taken the other night, he had heard that there was an intention to make or take an occasion of imputing whatever he might say, to a base premeditated artifice, on his part, to make the right honourable gentleman pass for a republican, in order that he might sooner get into power himself. He had found this design conveyed to him as a secret, but the very next day, a plot! a plot! was cried out in one of the common newspapers, which was wholly ascribed to him. (Mr. Burke here read, from a daily paper, an intimation that an account of such a plot had been received by the editor, but that for prudential reasons he did not choose to print it.)

[*Mr. M. A. Taylor* rose to call Mr. Burke to order, but was frustrated by the gentleman who sat next him.]

Mr. Burke resumed his argument, contending that he had a right to be heard, while he endeavoured to clear himself from the foul conduct that had been imputed to him. Would the House, he asked, think he was a fit man to sit there while under the imputation that he had described? If he had wished to attack the right honourable gentleman for his opinion respecting what had happened in France, he was free to do it any day he chose: as the right honourable gentleman had sufficiently often avowed

those opinions in that House. Finding himself, without any cause, separated and excluded from his party, it was a loss which he severely felt, but while he felt like a man, he would bear it like a man. He denied that he had ever imputed democratic principles to the right honourable gentleman with a view to hurt him in the mind of his sovereign, and if he had pushed him to a declaration of his principles, the speech of the right honourable gentleman that day would prove whether he was likely to have obtained his end, if he had wished to draw from him a declaration of democratic principles. In the conversation the other evening the right honourable gentleman had said, he had written a book which he had thought it seasonable and proper for him to go about, and reprobate, in the whole and in all its essential parts and principles (a call of no! no! from the opposition benches). He rose therefore to justify himself in the face of that House and of his country, and in the face of an adversary the most able, eloquent, and powerful, that ever was encountered; and he was sorry to perceive, the most willing to rake up the whole of his opinions and conduct, in order to prove that they were abandoned by him with the most shameless inconsistency. He avowed the book and all it contained: when he wrote it he did it to counteract the machination of one of the most desperate and most malignant factions that ever existed in any age or country. He would still oppose the mischievous principles of such a faction, though he was unfortunate enough to stand alone, unprotected, supported with no great connexions, with no great abilities, and with no great fortune; and thus was he delivered over to infamy at the end of a long life, just like the Dervise in the fable, who, after living till ninety in the supposed practice of every virtue, was tempted at last to the commission of a single error, when the devil spit in his face as a reward for all his actions. Had he, in order to support monarchy, said the other evening that it was right to abuse every re-

publican government that ever existed? Had he abused America, or Athens, or Rome, or Sparta? But every thing had been remembered that he had ever said or written, in order to render it the ground of censure and of abuse. He declared he could not caution the House too much against what had passed in France, but he had not called that a republic; no, it was an anomaly in government, he knew not by what name to call it, nor in what terms to describe it. It was

> "——————————— a shape,
> If shape it might be called, that shape had none
> Distinguishable in member, joint, or limb;
> Or substance might be called, that shadow seemed,
> For each seemed either; black it stood as night,
> Fierce as ten furies, terrible as hell,
> And shook a dreadful dart: what seemed his head
> The likeness of a kingly crown had on,
> With wide Cerberean mouths full loud, and rung
> A hideous peal."

It was, he added,

> "A shapeless monster, born of hell and chaos."

After having repeated these emphatical lines, Mr. Burke observed, that the right honourable gentleman's words had gone deep to his heart, when he had told him, "he knew how to draw a bill of indictment against a whole people." He knew not how to draw any such indictment; but he would tell the House who could, viz.: the National Assembly of France, who had drawn a bill of indictment against the people of St. Domingo. He could draw a bill of indictment against murder, against treason, against felony, or he could draw such a bill against oppression, tyranny, and corruption, but not a bill of indictment against a whole people. After a great deal of remark and complaint on the ground of matter personal

to himself, Mr. Burke at length came to consider the subject of the clause before the House, and declared that the right honourable gentleman opposite to him (Mr. Pitt) had spoken his sentiments much better and more eloquently than he could have done himself on that subject. In a monarchy he declared the aristocracy must ever be nearer to the crown than to the democracy, because it originated in the crown as the fountain of honour; but in those governments which partook not of any thing monarchical, the aristocracy there necessarily sprang out of the democracy. In our own constitution, undoubtedly, as the right honourable gentleman had well defined it, continued he, our aristocracy was nearer to the crown than the people, because it reflected the honours of the sovereign. He must agree that a King of England was the root of the constitution; whereas in France, he was only, as he had been made to state himself, the first minister. A King of England might, if he chose it, select any persons, however improper objects for honours; but he did not do so, because it would, as he well knew, bring his crown into contempt; and therefore he exercised his prerogative in that respect cautiously and prudently. But could the King of France create nobility? He could not, because he was himself degraded and a prisoner: his orders therefore would not be respected, which ought ever to be the first attendant on nobility. Mr. Burke went much at large into the constitution of the House of Lords, declaring that the honour of a Duke, a Marquis, an Earl, or a Viscount, were severally familiar to us: we knew the nature and origin of those honours. With us the crown was the fountain of honour: in other constitutions the people said that they themselves were. He spoke of the power of the crown to create a new order, as it had done in Ireland; and he said, let the title given to the hereditary nobility in Canada be what it might, there could be no manner of doubt that those whom the King designed to honour would have more or less

respect. Mr. Burke took notice of the suggestion of Mr. Fox, of having the Council elective, which he owned he had put forcibly, because that right honourable gentleman never said any thing that was foolish; but he had gone beyond this point. It was true we could not have in Canada ancient hereditary nobility, as we had here, because we could not make that one hundred years old that was made but yesterday; but an elective council would clearly be a democratic council.

He next spoke much at length of the various sorts of governments that had obtained in different colonies. In some there were councils, others again had been a government by charter, consisting of a governor and a company, in which case the settlement was governed by the governor and freemen. He mentioned in particular the Mississippi scheme, which had been of that nature, and quoted Douglas's remarks upon it. He spoke of mere wealth alone as not a good ground for aristocracy, though wealth, he admitted, was a material thing in it. Undoubtedly, he said, there might be titles, and baronetage, he thought, not an unfit one, as it was a species of hereditary honour, though not a peerage; but in all those things, Mr. Burke said, they must resort to experience. He spoke of the various constitutions that had prevailed in our own colonies before we lost them: that which approached nearest perfection, he said, had been that of Massachusets, and yet the province rebelled; and so did the others, where different forms of government prevailed. He did not, therefore, attribute the loss of our colonies to any one form of constitution for them: that form was undoubtedly the best under which they were the most flourishing and happy. He pointedly condemned what he called a close aristocracy, which, he said, would prove a dead weight on any government, counteracting and ultimately clogging its action: he recommended, above all things, an open aristocracy, and

said he had always thought the crown having in its power to make an admiral who had distinguished himself a peer, and decorate the old nobility by the infusion of new ones, occasionally, upon account of their merit and their talents, one of the first and most excellent principles of the British constitution. Having much at large spoke to the clause before, he returned to a consideration of himself, he said, left alone as he was, he hoped the House would not consider him as a bad man, though he was excommunicated by his party, and was too old to seek another. If his book stood an object of odium, he might possibly belong to a faction, but not to a party; and consequently could be of less use to his country. He defined the distinction between a party and a faction. A party, he said, he had ever understood to mean a set of men bound and united by principles to act together in watching over the conduct of ministers, and taking care that nothing should be done that was likely to prove injurious to the constitution; whereas, a faction did not draw together upon any known principles, but was devoid of all principle of union and common interest. He said his mentioning disciplined troops had been deemed uncivil, when he meant no uncivility. Discipline he had ever considered as one necessary quality of party, and he trusted he had ever shewn himself reasonably a friend to discipline, which was that sort of connexion which made men act together as a compact body, having one common object, and professing to feel it in common with their leader. In that sense he had meant the word discipline the other evening, and he trusted the gentlemen of the party, that had excluded him, would, with their usual fairness, continue to act against their common adversaries, on the common principles of public good, and not direct their weapons against a poor unfortunate man, who had been twenty-six years exerting his best endeavours to serve his country.

He gave an account of his first entering into parliament; declaring, that he remembered that the first question he ever brought forward, he lost: the next he attempted was to oppose taking off the duty of one shilling for the land-tax, being of opinion, perhaps weakly, that it was necessary to keep up the taxes although it was peace, in order the sooner to reduce the debt of the country, and nothing could prevail on him to abandon his purpose. He had mentioned at the time that he had laid his political principles very low, in order that they might stick by him, and he by them, all his life. He had done so, and he had seen, on one occasion, two great parties join against him, who had never acted together before, viz. Mr. Grenville's party, and the late Lord Rockingham's. He had then persisted, with the same pertinacity as he had supported his unfortunate opinions on the French revolution. He complained of being obliged to stand upon his defence by that honourable gentleman, who when a young man, in the vigour of his abilities, at the age of fourteen years, had been brought to him, and evinced the most promising talents, which he had used his best endeavours to cultivate; and this man, who had arrived at the maturity of being the most brilliant and powerful debater that ever existed, had described him as having deserted and abandoned every one of his principles.

He said, at a time when there was not a plot indeed, but open and avowed attempts made by clubs and others to circulate pamphlets, and disseminate doctrines subversive of the prerogative, and therefore dangerous to the constitution, it was unwarrantable for any good subject to be day after day holding out a parade of democracy, in order to set a mob raging against the crown. It should not, and it ought not to be. The perpetually making violent and flaming panegyrics on the subject of what happened in France, he condemned as dangerous; and

he said he now supported the monarchy, not that he thought it better than the aristocracy, or the democracy, but because it was attacked and endeavoured to be run down. In like manner, when Lord George Gordon acted as a firebrand, and caused the proud city of London and Westminster to bow its head to its very base, if they had joined in the cry against popery, was it not clear that they would have done infinite mischief? And yet he believed neither of the two right honourable gentlemen, nor himself, were suspected of a violent attachment to popery. But was that the hour to stand up for protestantism? If they had been rash enough to do so, they must know that they would have clapped a firebrand to the pile, and not only the metropolis, but all England would have blazed. Let them take warning by that event. Let them recollect that the mere suggestion that forty thousand persons could not assemble in a room, for none was large enough to hold them, which appeared ridiculous and contemptible at first, had produced in one day such dire terror and alarm, that all ranks of people felt indescribable apprehension, and knew not whither to fly for safety. Just so there was at present a run against monarchy, which was said to be the child of his wild ungoverned imagination: let them not rest securely on such a conception, but take care in time to prevent the possible effects. In what he said upon the subject, he was conscious he had done his duty, and he hoped he had averted what unnoticed might have tumbled the British constitution in ruins. That being the case, separate and unsupported as he was, let not the party that had excommunicated him imagine that he stood deprived of every comfort, though all was solitude without, there was sunshine and company enough within.

Mr. Fox said in reply, that however the right honourable gentleman might be unkind enough to impute democratical or republican sentiments to him, he could assure

him that his sentiments, whether about religion or any other topic, always made a due impression on his mind. He said that he did not like bestowing fulsome and unnecessary praises on the English constitution: they reminded him of a passage in one of our best poet's plays: he meant, he said, King Lear, who asks his three daughters how much they love him? Goneril and Regan answer him in terms of the most extravagant and studied panegyric; but when he puts the same question to Cordelia, she answers just as he would answer the same sort of question if it were put to him respecting the constitution, when he should say, he loved the constitution of Great Britain just as much as a subject of Great Britain ought to love a government under which he enjoys such blessings. They were all, Mr. Fox said, bound to love a constitution under which they lived happily; and whenever it should really be attacked, all he should say was, that he would not be found the most inactive in its defence. With regard to the right honourable gentleman's declaration that he was separated from the party, if he was so separated, it must be his own choice; and if he should repent that separation, he might be assured his friends would ever be ready to receive him, to respect him, and to love him as heretofore. With regard to the situation of the seigniories in Canada, the right honourable gentleman had shewn himself weak in that part of his argument, and had evaded an answer; and the right honourable gentleman, on the same bench with him, was utterly and completely ignorant of the fact; he did not mean ignorant in an invidious sense of the word. Let the two right honourable gentlemen inquire further, and they would find that he was right in his declaration, because there was no stuff to engraft hereditary honours upon, no rank of persons at all qualified to receive those honours. The right honourable gentleman near him, Mr. Fox observed, had said he preferred an open aristocracy to a close one. He would shew that the sort of

aristocracy that he had recommended could not be a close aristocracy, which he disapproved as much as the right honourable gentleman himself. With regard to the declaration of the right honourable gentleman near him, that the whole must be governed by experience, experience was undoubtedly a very good general guide in most matters, but it was rather a strange argument to resort to in the present instance, for which there never had existed a precedent. There was no colony, ancient or modern, that ever had precisely the same constitution. It resembled that of some of the American states; but that of Massachusetts the most nearly of any. Mr. Fox then took notice of Mr. Pitt's having said, that his principles were so far republican as he had described. Mr. Fox declared he had no difficulty to admit that his principles were so far republican, that he wished rather to give the crown less power, and the people more, where it could be done with safety, in every government, old or new; and from that principle it was, that whenever any bills for that purpose had been introduced, he had given them his support, and the right honourable gentleman opposite to him, he observed, had maintained republican principles, according to his own mode of defining the word republican; for he had made several propositions of that kind to the House, and it was well known that the right honourable gentleman near him had done the same: they were equally chargeable, therefore, with republican principles, and to the extent that he had described, Mr. Fox said, he was extremely willing, nay desirous, to remain chargeable. With regard to foreign colonies, he was of opinion that the power of the crown ought to be kept low. It was impossible to foresee what would be the fate of distant colonies at a distant period of time; but in giving them a constitution, his idea was, that it was our interest, as well as our duty, to give them as much liberty as we could to render them happy, flourishing, and as little dependent as possible.

We should make the free spirit of our own constitution applicable, wherever we could render it so; and if there was any risk or danger in so doing, he was persuaded the danger was not greater on one side than on the other; indeed he thought the more despotic the constitution we gave a colony, the more we made it the interest of that colony to get rid of such a constitution; and it was evident the American states had revolted, because they did not think themselves sufficiently free.

Mr. Fox summed up this part of his argument by declaring that he was decidedly of opinion, that the constitution of this country was more liable to be ruined by an increase of the power of the crown, than by an increase of the power of the people. He next took notice of what Mr. Burke had said of inflammatory publications; if any dangerous doctrines were disseminated in pamphlets, he said, it behoved the government to look to them, and in case the law officers of the crown failed in doing so, it was then the duty of that House to remind the ministers of their neglect. He owned, however, that for his part, he was of opinion that free discussions of the principles of the constitution ought to be suffered: if the constitution had opposers, it would also have advocates, and the more it was discussed the better. He hinted that it was misusing the functions and privileges of that House, for any member to come down, and by holding long discourses, personal to himself, and relative to imaginary plots, which he (Mr. Fox), really believed had no foundation in fact, prevent a committee from doing its duty, and examining the clauses of a bill of great importance. It was their duty also to look to the conduct of the executive government, to watch and examine the measures of ministers, and to guard, check, and controul the public expenditure. For any gentleman to suppose, that by the authority of discussions on personal topics in that House, what he said there would have any effect on public opinion, respecting

a matter to which they had made up their mind, he believed it would be found a vain and fruitless expectation.

Mr. Burke rose in reply, and began with retorting on Mr. Fox for what he had said respecting the eulogies on the constitution. He said they were at least as useful as that right honourable gentleman's almost daily professions of admiration for the revolution of France. As the right honourable gentleman had thought proper to appeal to a passage from one poet in praise of the constitution, he would take the liberty of remembering another line from another poet.

——— Qui non defendit, alio culpante.

Mr. Burke also told a story of a Lacedemonian, who observing a man for ever praising Hercules, asked who blamed him? since he thought he was going to be put to the distaff, or something worse than all his labours. He referred to the books that were in circulation, and said there was serious cause for alarm, when associations publicly avowed doctrines tending to alienate the minds of all who read them, from the constitution of their country, especially at a time when it was notorious that it was systematically run down abroad, and declaimed against as the worst in existence. He again reminded the Committee from how trivial a commencement Lord George Gordon's riots began, in consequence of which London had bowed its head so low. Mr. Burke said, he had never desired any books to be prosecuted, but the right honourable gentleman near him had more than once. He took notice of what had been said, that if he would repent, he would be received. He stood, he said, a man publicly disgraced by his party, and therefore the right honourable gentleman ought not to receive him. He declared he had gone through his youth without encountering any party disgrace; and though he had then in his age been so unfortunate as to meet it, he did not solicit the right honourable gentle-

man's friendship, nor that of any man either on one side of the house or the other.

Mr. Martin expressed his surprise at Mr. Burke's having said that certain societies had circulated doctrines and pamphlets relative to the constitution, the doctrines of which he reprobated as foolish and adulatory. The right honourable gentleman in particular had mentioned by name the Constitutional Society, the Revolution Society, and, what was rather strange, the Unitarian Society. Mr. Martin said, so far from thinking he had any cause to be ashamed of belonging to the Constitutional Society, it was his pride to be a member of it; persuaded as he was that they acted upon motives too pure to merit reprehension; and surely no gentleman would think a society, instituted to commemorate the revolution, illaudable. He said, that the other day he had taken up a volume of Locke on the Human Understanding, from which he would read a short extract, which appeared to him to be apposite to the present times. This extract he read, the object of which was to state that innovation was not the less founded on truth because it was new.

Mr. Martin added, that Mr. Burke's Reflections had called forth many comments, and among them an excellent pamphlet, from a gentleman formerly a member of that House: he said, he meant Mr. Rous, who proved himself to entertain sound constitutional principles.

Mr. Wilberforce complimented the Constitutional Society, declaring that he believed them more likely to repress than to excite clamour or commotion. Having said this, he desired to know from Mr. Fox whether he intended his elective Council to be for life or for a term of years?

Mr. Fox said, he had not decided upon that point, but he rather inclined to constituting for life.

Mr. Wilberforce, objecting to this, said, that let the elective Council be for life, or for a term of years, in the

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one case they would clog the prerogative, and deprive the subject of its protection; in the other point of view, it would be a democracy under another name, and give the popular branch of Government too much power: whereas, if they adopted an hereditary Council, they would form an open aristocracy, and though, at first, produce only saplings, in the course of years they would become forests, capable of bearing up against any innovation either of the crown or people.

A few words more passed between Mr. Fox and Mr. Pitt, after which the question was put, and the clause passed.

The House adjourned.

Thursday, 12th May.

The order of the day having been moved by Mr. Chancellor Pitt, for resuming the Committee on the Quebec Bill, and the same having been read accordingly, the Speaker left the chair, and Mr. Hobart took his seat at the table.

The Committee then proceeded to fill up the several blanks in the clauses, beginning with page 7 of the printed bill. As the conversation was for the most part loose and desultory, we shall only give an account of the manner in which the blanks were filled up, without entering into a detail of the observations that were made, except where they require notice.

Mr. Chancellor Pitt having proposed that the number of members to be chosen for the House of Assembly in Upper Canada should not be less than sixteen—

Mr. Fox rose, and objected to the number. He contended, that after so much had been said about obtaining a proper aristocracy for that colony, on the preceding days, they were not now to lose sight of giving it a proper share of democracy likewise, which was allowed on all hands to be requisite. Sure he was that sixteen was a

good number for an aristocracy, but by no means for a democracy. He was perfectly aware that it was idle to expect or to maintain that in a representative House the number of the elected ought to bear a strict analogy to the number of the electors. He knew there was no necessity for it; and that 558 members of that House were just as good a representative of the people of England, amounting to eight millions, as any larger number whatever; but if they were legislating for a much more populous country (France, for instance), he did not believe he should be told that 558 members were fit representatives for the people of France. Mr. Fox thought sixteen by no means enough to form any thing that could bear the name of a popular assembly; he should rather have imagined that one hundred would have been the number, if one hundred fit members of assembly could have been obtained in Upper Canada.

Mr. Pitt said, as there were not above ten thousand individuals in Upper Canada (including men, women, and children), he thought sixteen, in the present state of the province, was about a reasonable proportion of those who were fit persons to be chosen members of the House of Assembly, and could spare enough time for due attendance. The blank was filled up with the word sixteen. It was here observed by Mr. Pitt, that the bill did not limit the number of members to sixteen, but only shewed that it ought not to be less than sixteen.

The number of the members of the House of Assembly in Lower Canada was moved to be filled up with the word thirty.

Mr. Fox condemned such a nomination, as infinitely too small. To transmit the British constitution to all the colonies of Great Britain, Mr. Fox said, he well knew was impossible; but to pretend to do any thing like it, and to

name 30 persons as a popular assembly representing 100,000, was so gross a fallacy, that he hoped it would be no longer attempted to be said that we gave Canada even a sketch of the British constitution, or any thing like it.

Mr. Powys said, the number of inhabitants he understood amounted to 150,000.

Mr. Barnard, in answer to Mr. Powys, said, that was supposed to have been the number of inhabitants in the whole province of Canada, before it was attempted to be divided.

Mr. Dundas said, they could not pretend to give Canada the same constitution as they themselves lived under: all they could do was to lay the foundation for the same constitution, when increased population and time should have made the Canadians ripe to receive it, and to enjoy the same blessings.

Mr. Fox insisted on it, that an Assembly consisting of 30, as the representatives of 100,000, might be an excellent Assembly, a wise Assembly, a virtuous Assembly, or an enterprising Assembly, but it could not be called a popular Assembly.

Mr. Martin wondered that Mr. Dundas should argue that the constitution would be ruined by a more equal representation. Did he wish the Assembly in Canada, Mr. Martin asked, to resemble some representative bodies in other countries, where there were sham elections, and footmen dressed up in their masters' clothes, and sent to parliament?

Colonel Simcoe read an extract from an American paper, to prove that the Congress thought a very small number sufficient for the members forming the House of Assembly for a western province, and that two or four would be enough to represent Montreal and Quebec.

The qualifications of electors were moved and agreed to at forty shillings for freeholders, in whom the choice of members for districts, counties, or circles lay.

Electors of members of towns or townships to possess a dwelling-house, or lot of ground, of the value of five pounds yearly, or, if resident within the said town or township, for the six months before the date of writ of summons for the election, to have paid ten pounds rent.

The duration of the House of Assembly was fixed for four years, instead of seven, as originally proposed; and the right of appeal, instead of being first to the Privy Council, and then to the House of Lords, was restricted to the Privy Council only.

When they came to the clauses respecting the clergy, *Mr. Fox* begged an explanation of both the clauses, page 13, 14, 15.

Mr. Chancellor Pitt said that he first gave the Governor and Council a power, under the instructions of his Majesty, to distribute out of a sum arising from the tithes for lands or possessions, and set apart for the maintenance and support of Protestant Clergy, in order to give them a competent income, and the second clause, he said, provided for the permanent support of the Protestant clergy, a seventh proportion of the lands to be granted in future. He declared that the meaning of the act was to enable the Governor to endow, and present the Protestant clergy of the established church to such parsonage or rectory as might be constituted or erected within every township or parish, which now was or might be formed, and to give to such Protestant clergyman of the established church a part, or the whole, as the Governor thought proper, of the lands appropriated by the act. He further explained, that this was done to encourage the established church, and that possibly hereafter it might be proposed to send a bishop of the established church to sit in the Legislative Council.

Mr. Fox disagreed with the whole of this plan. He said he thought the Roman Catholic religion ought to be the established church of the colony, or the Presbyterian

(that of the kirk of Scotland). He conceived setting aside a seventh part of the lands granted for the maintenance of the Protestant clergy, was too great an allotment, and that the idea of sending a bishop of the established church of England to sit in the Legislative Council, was in every point of view unjustifiable.

Mr. Duncombe was of opinion that setting aside a seventh of the lands granted for the maintenance of the clergy, was too much.

Mr. Ryder, by way of explanation, said, that the meaning was, when his Majesty granted six acres in any of the new townships, an acre was to be set aside for the clergyman presented by the Governor to the parsonage or rectory; for the first year or two, as the clergyman would have the ground to clear and cultivate, he probably would be greatly underpaid.

Mr. Fox still censured the whole plan, and reminded the House that Mr. Dundas had two evenings since boasted that the security of the kirk of Scotland was its being erected on the rock of poverty: according to the professions of the bill, Mr. Fox said, even the clergy of the kirk would have larger incomes in Canada than in Scotland.

Mr. Dundas gave an historical detail of the mode of proceeding, by which the clergy in Scotland were supported. The fund out of which they were paid, he said, was created in the last century; when the whole tithes of Scotland, as they then stood, were sold, and the money they produced vested for the purpose. There were, he said, about 900 parishes in Scotland, and their clergy had, he believed, one with another, between eighty and ninety pounds a year; and when their income, from circumstances, was too small, it was made up to a certain amount to such individuals whose pittance was too scanty, by the Assembly of the Kirk, who managed the fund. He lamented, that in consequence of an error in the original

proceeding, viz.: the vesting the sum which the sale of the tithes had produced in a fund, instead of laying it out in the purchase of land, and dividing that land so purchased into allotments for the clergy, the latter was not sufficiently provided for. Had the plan he had stated been adopted, the land would have risen in value in proportion to its improvement as other land had, and the incumbents would consequently have had the benefit of its increased production.

Mr. Pulteney, Lord Carysfort, and other gentlemen, took part in the conversation; and at length, the blanks being all filled up, the House adjourned at twelve o'clock.

Monday, 16th May.

Mr. Hobart having brought up the Report of the Quebec Bill,

Mr. Fox said, that after the discussion which the clauses had received, he did not again mean to trouble the House: there were only two points on which he intended to divide the House, and they were those which related to hereditary nobility, and the number of the Assembly in Lower Canada.

Mr. Powys remarked, that with regard to hereditary nobility, he had only one objection: it was at present customary in Canada to give only one moiety of property to the eldest son. This certainly would much tend to scatter the property. But as we were now to make a constitution not for the present moment, but for posterity, he thought it desirable that there should be something similar to our House of Peers, and therefore he would vote with the right honourable gentleman who brought in the bill.

Colonel Simcoe spoke in favour of the bill, and having pronounced a panegyric on the British constitution, wished it to be adopted in the present instance, as far as circumstances would admit.

Mr. Fox said, that the hereditary nobility, as proposed to be established in Canada, could never be upon the footing of the British House of Peers. By this bill the power of the King was not limited in conferring hereditary nobility, or only nobility for life.

The House then divided upon the amendment of leaving out the clause of hereditary nobility.

Ayes 39: Noes 88.—Majority 49.

On the clause fixing the number of the Assembly of Lower Canada at thirty, *Mr. Chancellor Pitt* proposed, as an amendment, that the word fifty should be substituted in the place of thirty; but afterwards withdrew it to make room for the amendment of Mr. Fox, who proposed to enlarge the number to one hundred.

Divided upon the amendment of Mr. Fox.

Ayes 40: Noes 91.—Majority 51.

The amendment of the Chancellor of the Exchequer was then put and carried.

Mr. Sheridan made some objections to the power that assumed, after the government had been divided into two separate, independent legislatures, of regulating their commerce and internal intercourse. He, at the same time, intimated his intention to bring the subject into consideration on a future stage of the bill.

The bill was ordered to be engrossed, and read a third time on Wednesday.

The House adjourned.

Wednesday, 18th May.

The Quebec Bill having been read a third time, *Lord Sheffield* presented a petition against it from Mr. Limeburner, agent for the province of Canada, stating that the people there had been refused, upon application, a copy of

that bill by which their government was to be regulated, and praying that it might not pass.

Mr. Chancellor Pitt said, that the principles of the bill had been so long under consideration, and the impossibility that its regulations should meet the sentiments of all was so evident, that it was now the business of the House to consider whether the objections that had been stated were sufficient grounds for delaying the bill.

Mr. Alderman Watson moved, "That the debate should be adjourned till to-morrow."

The motion was negatived, and the Bill passed.

NOTE.

The ACT *of* 31*st George* 3*d, Chapter* 31, *giving a Constitution to Canada, will be found in the Appendix, together with the other British Acts of Parliament relating to the same, viz. the* ACT *of* 14*th George* 3*d, Chapter* 83; *the* ACT *of* 14*th George* 3*d, Chapter* 88; *and the* ACT *of* 43*d George* 3*d, Chapter* 138.

SIMCOE'S GOVERNMENT.

GENERAL Simcoe being appointed Lieutenant-Governor of Upper Canada, carried out with him, to the province, the Constituting Act; and having called Parliament together, delivered the following speech.

TUESDAY, 18th SEPTEMBER, 1792.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly.

I have summoned you together, under the authority of an Act of the Parliament of Great Britain, past last year, which has established the British Constitution, and all the forms which secure and maintain it, in this distant country.

The wisdom and beneficence of our most gracious Sovereign and the British Parliament, have been eminently proved, not only in imparting to us the same form of government, but also in securing the benefit, by the many provisions that guard this memorable act: so that the blessings of our invaluable constitution, thus protected and amplified, we may hope, will be extended to the remotest posterity.

The great and momentous trusts and duties which have been committed to the representatives of this province, in a degree infinitely beyond whatever, till this period, have distinguished any other colony, have originated from the British nation, upon a just consideration of the energy and hazard with which its inhabitants have so conspicuously supported and defended the British constitution.

It is from the same patriotism, now called upon to exercise, with due deliberation and foresight, the various offices of civil administration, that your fellow subjects of the British empire expect the foundations of that union of industry and wealth, of commerce and power, which may last through all succeeding ages.

The natural advantages of the province of Upper Canada are inferior to none on this side of the Atlantic; there can be no separate interest through its whole extent: the British form of government has prepared the way for its speedy colonization, and, I trust, that your fostering care will improve the favourable situation; and that a numerous and agricultural people will speedily take possession of the soil and climate, which, under the British laws, and the munificence with which his Majesty has granted the lands of the crown, offer such manifest and peculiar encouragement.

The replies from the Honourable the Legislative Council and House of Assembly were, as usual at home, echoes of the speech. The session was closed on the 15th October, 1792, by the following speech.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly.

It is with very great satisfaction that I have considered the acts which you have found it expedient to frame, and to which, in consequence of the power delegated to me, I

have this day given my assent, that they shall become laws of the province of Upper Canada.

As the division which his Majesty, in his wisdom, thought proper to make of the late province of Quebec obviated all inconveniences, and laid the foundation for an establishment of the English laws in the province, it is natural to presume, that you would seize the first opportunity to impart that benefit to your fellow subjects; and by the act to establish trials by jury, and by that which makes the English law the rule of decision, in all matters of controversy, relative to property and civil rights, you have fully justified the public expectation. Your other acts seem calculated to promote the general welfare and convenience of the province.

His Majesty, in his benevolence, having directed a seventh from such lands as shall be granted to be reserved to the crown, for the public benefit, it will become my duty to take those measures which shall appear to be necessary to fulfil his Majesty's gracious intentions; and I make no doubt but, as citizens and magistrates, you will give every assistance in your power to carry into full effect a system, from which the public and posterity must derive such peculiar advantages.

Honourable Gentlemen, and Gentlemen:—

I cannot dismiss you without earnestly desiring you to promote, by precept and example, among your respective counties, the regular habits of piety and morality, the surest foundations of all private and public felicity; and, at this juncture, I particularly recommend to you to explain, that this province is singularly blest, not with a *mutilated constitution*, but with a constitution which has stood the test of experience, and is the *very image and transcript of that of Great Britain;* by which she has long established and secured to her subjects, as much freedom and happiness as is possible to be enjoyed, under the subordination necessary to civilized society.

STATUTES

PASSED IN THE FIRST SESSION

OF THE

FIRST PROVINCIAL PARLIAMENT

OF

UPPER CANADA,

MET AT NIAGARA, 17TH SEPTEMBER, 1792.

HIS EXCELLENCY JOHN GRAVES SIMCOE, ESQ.
Lieutenant-Governor.

CHAPTER I.

An ACT *to repeal certain parts of an Act passed in the fourteenth Year of His Majesty's Reign, entituled, "An* ACT *for making more effectual provision for the Government of the Province of Quebec, in North America, and to introduce the English Law, as the rule of decision, in all matters of controversy relative to Property and Civil Rights."*

This ACT, the first and most important on the statute book of Upper Canada, I shall here introduce as a specimen of provincial form.

Whereas, by an Act passed in the fourteenth year of his present Majesty, entituled, "'An Act for making more effectual provision for the Government of the Province of Preamble.

Quebec, in North America," it was, among other things, provided, "That in all matters of controversy relative to property and civil rights, resort should be had to the laws of Canada, as the rule for the decision of the same;" such provision being manifestly and avowedly intended for the accommodation of his Majesty's Canadian subjects: And, whereas, since the passing of the Act aforesaid, that part of the late province of Quebec, now comprehended within the province of Upper Canada, having become inhabited principally by British subjects, born and educated in countries where the English laws were established, and who are unaccustomed to the laws of Canada, it is inexpedient that the provision aforesaid contained in the said Act of the fourteenth year of his present Majesty, should be continued in this province—Be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, "That from and after the passing of this Act, the said provision contained in the said Act of the fourteenth year of his present Majesty be, and the same is hereby repealed; and the authority of the said laws of Canada, and every part thereof, as forming a rule of decision in all matters of controversy relative to property and civil rights, shall be annulled, made void, and abolished, throughout this province, and that the said laws, nor any part thereof, as such, shall be of any force or authority within the said province, nor binding on any of the inhabitants thereof."

Recital of Act 14th Geo. III.

The same repealed, in so far as it constitutes the laws of Canada a rule of decision, in matters of controversy, relative to property and civil rights.

Without affecting claims on real property or contracts or securities already executed.

II. *Provided always, and be it enacted by the authority aforesaid*, That nothing in this Act shall extend to extinguish, release or discharge, or otherwise to affect any existing right, lawful claim or incumbrance, to and upon any lands, tenements or hereditaments within the said province, or to rescind or vacate, or otherwise to affect any contract or security already made and executed conformably to the usages prescribed by the said laws of Canada.

The laws of England to be henceforth the rule of decision.

III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of England, as the rule for the decision of the same.

But the ordinances of the province of Quebec are no further repealed than as by this act they are necessarily varied.

IV. *Provided always, and be it enacted by the authority aforesaid*, That nothing in this Act shall extend, or be construed to extend, to repeal or vary any of the ordinances made and passed by the Governor and Legislative Council of the province of Quebec, previous to the division of the same into the provinces of Upper and Lower Canada, otherwise than as they are necessarily varied by the provisions herein mentioned.

The rules of evidence to be regulated by those established in England.

V. *And be it further enacted by the authority aforesaid*, That all matters relative to testimony and legal proof in the investigation of fact, and the forms thereof, in the several courts of law and equity within this province, be regulated by the rules of evidence established in England.

But no alteration is made in the subsisting provisions respecting ecclesiastical rights or dues, or the jurisdiction of courts of justice, or the poor or bankrupt laws.

VI. *Provided always, and be it enacted by the authority aforesaid*, That nothing in this Act contained, shall vary or interfere, or be construed to vary or interfere, with any of the subsisting provisions respecting ecclesiastical rights or dues within this province, or with the forms of proceeding in civil actions, or the jurisdiction of the courts already established, or to introduce any of the laws of England respecting the maintenance of the poor, or respecting bankrupts.

CHAPTER II.

An ACT *to establish Trials by Jury.*

CHAPTER III.

An ACT *to establish the Winchester Measure, and a Standard for other Weights and Measures.*

CHAPTER IV.

An ACT *to abolish the summary Proceedings of the Courts of Common Pleas in Actions under Ten Pounds Sterling.*

CHAPTER V.

An ACT *to prevent Accidents by Fire.*

CHAPTER VI.

An ACT *for the more easy and speedy Recovery of Small Debts.*

CHAPTER VII.

An ACT *to regulate the Toll to be taken in Mills* (not more than one-twelfth for grinding and bolting).

CHAPTER VIII.

An ACT *for building a Gaol and Court-house in every District within this Province, and for altering the Names of the said Districts.* (The district of Lunenburgh to be henceforth called the Eastern District; Mecklenburgh, the Midland District; Nassau, the Home District; Hesse, the Western District.)

STATUTES
PASSED IN THE SECOND SESSION OF THE FIRST PROVINCIAL PARLIAMENT, MET AT NIAGARA, 31ST MAY, 1793.

CHAPTER I.

An ACT *for the better regulation of the Militia.*

CHAPTER II.

An ACT *to provide for the nomination and appointment of Parish and Town Officers.* (A parish or town-clerk, assessors, collector, overseers of the highways, pound-keeper, town-wardens, high constable for each district, and constables for each township.)

CHAPTER III.

An ACT *to authorize and direct the laying and collecting of Assessments and Rates in every District, and to provide for the payment of Wages to the Members of the House of Assembly* (not exceeding 10s. per day).

CHAPTER IV.

An ACT *to regulate the laying out, amending, and keeping in repair the public Highways and Roads* (roads not to be less than 30, nor more than 60 feet wide).

CHAPTER V.

An ACT *to confirm and make valid certain Marriages, heretofore contracted in the Country now comprised within the Province of Upper*

Canada, and to provide for the future solemnization of Marriage within the same (marriages, heretofore contracted before any person in public employment, declared valid; and in future, Justices of the Peace empowered to marry persons not living within eighteen miles of any Parson or Minister of the Church of England: the form of the Church of England to be followed).

CHAPTER VI.

An ACT *to fix the Times and Places of holding the Courts of General Quarter Sessions of the Peace, within the several Districts.*

CHAPTER VII.

An ACT *to prevent the further introduction of Slaves, and to limit the Term of Contracts for Servitude.*

CHAPTER VIII.

An ACT *to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof.*

CHAPTER IX.

An ACT *to authorize the Lieutenant-Governor to nominate and appoint certain Commissioners* (to treat and agree in behalf of this province with a like number of persons, in behalf of Lower Canada, of and concerning the establishing such regulations as may regard the collection of duties or payment of drawbacks to be imposed or allowed

on goods passing from one province into the other, by the Legislature of each province respectively, and of and concerning any proportion to be received and paid of any equal duties already imposed, or hereafter to be imposed by the said Legislatures respectively, on any article or commodity passing from one province into the other, and of and concerning any regulations, provisions, matters, and things which may regard the commerce, manufactures, or produce of the said province).

Chapter X.

An Act *to establish a Fund for paying the Salaries of the Officers of the Legislative Council and Assembly, and for defraying the contingent Expences thereof* (by a duty of *fourpence* per gallon on Madeira wine, and *twopence* on all other wines, imported into the province).

Chapter XI.

An Act *to encourage the destroying of Wolves and Bears* (reward of 20*s*. given for the head of every wolf, and 10*s*. for the head of every bear).

Chapter XII.

An Act *to provide for the Appointment of returning Officers of the several Counties.*

Chapter XIII.

An Act *to establish a further Fund for the Payment of the Salaries of the Officers of the Legislative Council and House of Assembly, and*

for defraying the contingent Expences thereof (an additional duty of 20*s*. to be levied on all licences for the retail of wines or spirituous liquors).

STATUTES
PASSED IN THE THIRD SESSION
OF THE
FIRST PROVINCIAL PARLIAMENT,
MET AT NIAGARA, 2D JUNE, 1794.

CHAPTER I.

An ACT *for the Regulation of Juries.*

CHAPTER II.

An ACT *to establish a superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal* (a Court of King's Bench established; terms of sitting, costs, fees, &c. &c.).

CHAPTER III.

An ACT *to establish a Court for the Cognizance of small Causes in each and every District* (terms of sitting, regulations, fees, &c.).

CHAPTER IV.

An ACT *to authorize the Governor or Lieutenant-Governor to licence Practitioners in the Law.*

CHAPTER V.

An ACT *to provide for the accounting for all Fines, Forfeitures, and Penalties hitherto reserved to his Majesty, to and for the Uses of this Province.*

CHAPTER VI.

An ACT *to amend certain Parts of an Act passed in the Thirty-third Year of the Reign of his present Majesty, entituled, "An Act to authorize and direct the laying and collecting of Assessments and Rates in every District within this Province, and to provide for the Payment of Wages to the Members of the House of Assembly."*

CHAPTER VII.

An ACT *for the further Regulation of the Militia.*

CHAPTER VIII.

An ACT *to restrain the Custom of permitting Horned Cattle, Horses, Sheep, and Swine, to run at large.*

CHAPTER IX.

An ACT *to repeal certain Parts of an Act passed in the second Session of the Legislature of this Province, entituled, "An Act to regulate the laying out, amending, and keeping in Repair the public Highways and Roads within this Province," and to make further Provisions respecting the same.*

CHAPTER X.

An ACT *to amend certain Parts of an Act passed in the 32d Year of his Majesty's Reign, entituled, "An Act for building a Gaol and Court House in every District throughout this Province, and for altering the Names of the said Districts."*

CHAPTER XI.

An ACT *to lay and collect a Duty upon Stills* (by Licence and for every Gallon the Still is capable of containing, 1s. 3d. per Annum, with a Fee of 2s. 6d. for each Licence to the Secretary, &c.)

CHAPTER XII.

An ACT *for regulating the Manner of licensing Public Houses, and for the more easy convicting of Persons selling Spirituous Liquors without Licence.*

STATUTES

PASSED IN THE FOURTH SESSION OF THE FIRST PROVINCIAL PARLIAMENT,

MET AT NIAGARA, 6TH JULY, 1795.

CHAPTER I.

An ACT *to regulate the Practice of Physic and Surgery.*

CHAPTER II.

An ACT *to ascertain the Eligibility of Persons to be returned to the House of Assembly.*

CHAPTER III.

An ACT *to ratify, approve, and confirm the Provisional Agreement entered into by the Commissioners on behalf of this Province, with the Commissioners on behalf of the Province of Lower Canada.* (The agreement run as follows:)

ART. 1. That the province of Lower Canada shall be, and is hereby made accountable to the province of Upper

Canada in full of all rights, claims, and demands, which the said province of Upper Canada may have on the province of Lower Canada; by reason of the duties levied upon wines in the years 1793 and 1794, under an act of the legislature of Lower Canada passed in the 33d year of his Majesty's reign, entituled, "An ACT to establish a fund for paying the salaries of the officers of the Legislative Council and Assembly, and for defraying the contingent expences thereof," in the sum of 333*l.* 4*s.* 2*d.* currency, which said sum shall be paid into the hands of such person or persons, as may be appointed on the part of Upper Canada to receive the same.

ART. 2. That the legislature of Upper Canada will not impose any duties whatsoever on any goods, wares, or merchandise imported into Lower Canada, and passing into Upper Canada; but will allow and admit the legislature of Lower Canada to impose and levy such reasonable duties on such goods, wares, and merchandise aforesaid, as they may judge expedient for the purpose of raising a revenue within the province of Lower Canada.

ART. 3. That of such duties as the legislature of Lower Canada hath already imposed, or may hereafter impose on goods, wares, or merchandise, coming into the province of Lower Canada, the province of Upper Canada shall be entitled to receive annually, and to dispose of one-eighth of their nett produce, for the use and benefit of the said province of Upper Canada, the other seven-eighths remaining for the use of Lower Canada.

ART. 4. That there shall annually, in the month of December, or as soon afterwards as possible, be furnished to the Lieutenant-Governor, or person administering the government of the province of Upper Canada, for the time being, duplicates of the account of all duties that now are, or hereafter may be imposed by the legislature of Lower Canada.

ART. 5. That this agreement is to continue and be in force until the last day of December, which will be in the year of our Lord 1796; and no longer.

CHAPTER IV.

An ACT *to explain and amend an Act passed in the 34th Year of His Majesty's Reign, entituled, "An* ACT *to establish a superior Court of civil and criminal Jurisdiction, and to regulate the Court of Appeal."*

CHAPTER V.

An ACT *for the public Register of Deeds, Conveyances, Wills, and other Incumbrances, which shall be made, or may affect any Lands, Tenements, or Hereditaments, within this Province* (Register Offices established, and Registrars to be nominated by the Governor, Lieutenant-Governor, or person administering the government; but no member of Assembly to hold, directly or indirectly, this office).

STATUTES

PASSED IN THE FIRST SESSION

OF THE

SECOND PROVINCIAL PARLIAMENT

OF

UPPER CANADA,

MET AT NIAGARA, 16TH MAY, 1796.

HIS EXCELLENCY JOHN GRAVES SIMCOE, ESQ.
Lieutenant-Governor.

CHAPTER I.

An ACT *for the better Regulation of certain Coins, current in this Province.*

CHAPTER II.

An ACT *to amend certain Parts of "An* ACT *for the Regulation of Juries," and a certain other Act entituled, "An* ACT *to establish a superior Court of civil and criminal Jurisdiction, and to regulate the Court of Appeal."*

CHAPTER III.

An ACT *to amend an Act entituled, "An* ACT *for regulating the Manner of licensing Public Houses, and for the more easy convicting of Persons selling Spirituous Liquors without Licence."*

CHAPTER IV.

An ACT *to amend certain Parts of an Act entituled, "An* ACT *to fix the Times and Places of holding the Courts of General Quarter Sessions of the Peace within the several Districts of this Province."*

CHAPTER V.

An ACT *to repeal certain Parts of an Act passed in the 33d Year of His Majesty's Reign, entituled, "An* ACT *to encourage the destroying of Wolves and Bears"* (the reward for killing Bears withdrawn).

CHAPTER VI.

An ACT *to authorize the Lieutenant-Governor to nominate and appoint certain Commissioners for the Purposes mentioned* (viz. to meet, consult, and agree with others from the Lower Province, as to Duties and Drawbacks on Goods passing from one Province to the other, &c.).

CHAPTER VII.

An ACT *to amend an Act entituled, "An* ACT *to authorize and direct the laying and collecting of Assessments and Rates in every District within this Province, and to provide for the Payment of Wages to the Members of the House of Assembly."*

In the travels of the Duke de la Rochefoucault Liancourt, through North America, a most interesting account is given of Simcoe, his government, and schemes, which I hope will be acceptable to the reader. The duke crossed the Niagara river, to Fort Erie, on the 20th June, 1795, and after viewing the falls, of which his description is far from conveying correct ideas, he thus proceeds:—

"The roads from Fort Erie to Newark are tolerably open, and lie, for the most part, over a sandy ground, which renders it more easy to keep them in repair. The frequent passage to and fro, in this part of the country, does not destroy them. Such commodities, as are destined for the upper country, are unshipped in Queen's Town; and goods, expedited from it, are embarked in this place. The different buildings, constructed three years ago, consist of a tolerable inn, two or three good store-houses, some small houses, a block-house of stone, covered with iron, and barracks, which should be occupied by the regiment of General Simcoe, but which are now unoccupied, the regiment being quartered in another part of the province. Mr. Hamilton, an opulent merchant, who is concerned in the whole inland trade of this part of America, possesses, in Queen's Town, a very fine house, built in the English style; he has also a farm, a distillery, and tan-yard. This merchant bears an excellent character; he is a member of the Legislature of Upper Canada, but at present in England.

"The portage was formerly on the other side of the river; but as this, by virtue of the treaty, falls under the American dominion, Government has removed it hither. The whole country, though extremely sandy*, is covered

* It is by no means *extremely sandy*.—R. G.

with oak, chestnuts, and fine hickory trees, and such parts as are better watered bear, in common with all other parts of America, ash and maple-trees.

"It was on this spot that Mr. de la Jonquiere, commissioned by the French Court to secure the free navigation of the lakes to French traders, formed his first settlements, which, by permission, and under the protection of the Indian tribe of the Yonnowshouans (who, with many other tribes, have vanished from this part of the globe), were afterwards transferred to Niagara.

"From the civil treatment we experienced, as soon as we reached the boundaries of the government of General Simcoe, we could not but expect a kind reception on his part; and yet the event exceeded our expectation. No sooner was he informed of our arrival, than he sent his adjutant-general to invite us to dinner. Having just alighted from his horse, he could not come himself. We accepted his invitation; and shortly after dinner he entreated us to remain with him, to sleep in his house, and consider ourselves as at home. To refuse this invitation would have ill corresponded with the politeness of his conduct; of the sincerity of which we were convinced. By accepting it, we greatly promoted our own convenience, as we had no visits to pay in the town, which is full half a mile distant from the Governor's house, and could not but expect to be most agreeably entertained in his society, and to obtain from him the most satisfactory information respecting the country, which so forcibly engaged our curiosity and attention.

"We soon understood, that we should be obliged to continue longer in Niagara than we originally designed. On my acquainting General Simcoe with my intention to proceed to Quebec, he informed me that, without the express permission of Lord Dorchester, it was not in his power to allow any foreigner to enter Lower Canada; he even shewed us the Governor-general's positive orders to

that effect, issued in the month of October, and occasioned by the conduct of some Frenchmen. Although the wise measures of prevention, adopted by the Governor-general, as well as all other steps tending to avert a revolution, met with my fullest approbation, yet I could not but find it extremely unpleasant that Mr. Hammond, in so positive a manner, should have assured me of Lord Dorchester's perfect concurrence with him on the score of my intended journey. On his asserting that a passport, granted by him, was the only sufficient mean to enable a foreigner to proceed from the United States into Lower Canada, I entreated him, in addition to this passport, to write a letter to Lord Dorchester, who, by ordering the subordinate commander to let us pass, would have saved us a tedious delay in our journey, and the uneasiness naturally arising from our incommoding Governor Simcoe for such a length of time. Yet we were necessitated to conceal our dissatisfaction, and wait until Lord Dorchester could send his answer to Kingston, to which I requested him to direct it.

"I employed my long residence in Niagara to acquire some knowledge of the country, the attainment of which was greatly facilitated by the generous openness of Governor Simcoe.

"So late as in the year 1791, the administration of Upper Canada was separated from that of Lower Canada. It formerly constituted a part of the province of Quebec. The administration of it was much the same as that of the English colonies, and depended entirely on the will and pleasure of the Governor; yet was undoubtedly here conducted with still more precaution, not only because Lord Dorchester, by all accounts, is a man of a mild and just disposition, but also because the lesson, given by the United States, will not prove altogether fruitless. The British Parliament, at the same time when it divided these two tracts of the province of Quebec into Upper and

Lower Canada, gave them a representative form of government; which, though all the springs of this political machine are yet in the hands of the Governor-general, is framed in such a manner, that if this country should grow more populous, more opulent, and enlightened, it will not prove an arduous task to rescue the management of public affairs from this influence, which at present is very great, and, in the actual state of things, perhaps absolutely necessary.

"Lord Dorchester is Governor-general of the British possessions in North America; the governors of the different provinces are only lieutenant-governors; who, whenever he appears, yield to his superior authority; and are also responsible to him in all military affairs, if they be gentlemen of the army, which is by no means an indispensable qualification for the place of a lieutenant-governor. In regard to state affairs, of whatever nature and complexion, the Lieutenant-governor corresponds immediately with the English ministry. It is from them he receives his orders and instructions, without being obliged to communicate them to the Governor-general, who is not even possessed of the right, on leaving the different districts of his government, to give the smallest directions for what is to be done during his absence. For this reason the Governor-general, except when pressing military arrangements call him from the chief town of his government, constantly resides there; while the Lieutenant-governor, who has no business in that place, keeps as much as possible at a distance from it. But as no accounts of any public expenditure pass without being signed by the Governor-general, he possesses a powerful influence over all sorts of operations and projects, which at least require his approbation; an influence that extends through all the different branches of his government.

"The British possessions in North America are divided

into Upper and Lower Canada, New Brunswick, and Nova Scotia. Only the first two of these provinces are governed by the new constitution. The others are governed as in former times.

"The boundary between Upper and Lower Canada lies about one hundred miles above Montreal. The extent of Upper Canada far exceeds that of Lower Canada; as, the western boundary being undefined, it comprises all the known and unknown countries, extending as far as the Pacific or Great Sea, and is bounded northwards also by unknown countries. The population of Lower Canada is estimated at about one hundred and forty thousand souls, and that of Upper Canada at thirty thousand; but this estimate seems rather high.

"Upper Canada is a new country, or rather a country yet to be formed. It was probably for this reason General Simcoe accepted the government of it. He was fully aware of the advantages which his native land might derive from such a colony, if it attained perfection; and imagined, that means might be found adequate to this purpose. This hope was the only incitement which could impel a man of independent fortune, and, as he says, of confined wishes, to leave the large and beautiful estates he possesses in England, and to bury himself in a wilderness, among bears and savages. Ambition, at least, appears not to have been his motive; as a man, in General Simcoe's situation, is furnished with abundant means of distinguishing himself by useful activity, without removing to a great distance from his native country, where, in such a case, he is almost sure of being forgotten. But, whatever have been his motives, his design has been attended with consequences highly beneficial.

"The plan conceived by General Simcoe, for peopling and improving Upper Canada, seems, as far as he has communicated it to us, extremely wise and well arranged. The central point of all his settlements, and of the

population of this country, he means to place between Détroit River and the plantations already established in Lower Canada, within a square, formed by Lake Ontario, Lake Erie, Détroit River, and Lake Huron. From a supposition that the Fort of Niagara would certainly remain in the possession of the English, he at first intended to make Newark the chief town of his government. But since it has been decided*, that this fort is to be given up, he has been obliged to alter his plan. A chief town or capital must not be seated on the frontiers, and much less under the guns of the enemy's fort. He has since thought of York, situated on the northern bank of Lake Ontario, nearly opposite to Niagara; it is in this place he has quartered his regiment, and he intends to remove thither himself, when he shall withdraw from the frontiers.

"York, from its extent, security, and situation, offers an excellent road. The communication between Lake Ontario and Lake Huron is facilitated by several rivers and small lakes. The surrounding territory possesses a good soil, and affords all possible means to improve the trade on the lake. Even in a military point of view, its situation is very advantageous. The banks of Lake Ontario are likely to be first peopled by the Americans, and to become most populous; and Lower Canada will always prove to them an object of jealousy and envy, rather than Upper Canada. On this ground it is extremely important to choose a situation, which renders it more easy to succour such points as are most exposed to an attack. Yet Governor Simcoe seems to have relinquished the idea of establishing his residence, and the seat of government, at York. He intends to remove them to the banks of a river, which is to be found in all maps under the name of De la Trenche, and which he has

* By the Treaty of 1794.—Tr.

named the Thames. This river, which rises between Lake Huron and Lake Ontario, but is not yet sufficiently explored, is supposed not to be far distant from the Miami or Great (Grand) river. It flows four or five* miles in a south-west direction, and empties itself into Lake St. Clair. It is the Governor's intention, to build his chief town, to which he has already given the name of London, about two hundred miles* distant from this lake. A communication between this river and another, which falls into Lake Huron, may be easily established, in the vicinity of Gloucester, and by land-carriage a communication may also be opened with Lake Ontario. The Governor is at the same time master of these two lakes, as well as of Lake Erie, which, though fifteen miles distant, he can reach without any intervening portage, but one of three miles. Moreover, that part of Lake Erie (Long Point), which lies nearest to the projected capital, is exactly the most important point for the defence of the lake, and on this point, which lies opposite to the American settlement on the peninsula, the Governor means to form a harbour, and erect considerable works for its protection. If the capital be situated on this spot, it will of consequence enjoy several advantages, besides those which York would afford. It stands nearer to the centre of the expected population; is more remote from the parts belonging to the Indians; and the Governor intends to station the troops, which yet occupy the forts to be delivered up to the Americans, in the posts of Gloucester on Lake Huron, of Long Point on Lake Erie, of Michigan, in two or three towns, which are to be built on the banks of the Thames, and lastly in York. This intended capital is surrounded by all possible means of defence, and is so situated, that it may speedily give succour, wherever it may be wanted.

* The river had indeed not yet been sufficiently explored when these blunders were written down; perhaps they are typographical,—4 or 5 for 40 or 50, and 200 for 20.—R. G.

"From the readiness which government displays in granting lands gratis, the Governor entertains not the least doubt of soon obtaining a numerous population. Many families, who at the beginning of the American war embraced the royal cause, have since the conclusion of peace settled on lands, which were bestowed on them gratis. The American soldiers, who fought under the same unfortunate banners, obtained also an indemnification in lands, on which most of them have settled. All officers, who served in that war, are likewise entitled to some hundred acres, a certain number of which are already cultivated by them. The Governor is also sanguine in his hopes of procuring many colonists from the United States; he relies on the natural fondness of these people for emigrating, and on their attachment to the English government. There arrive indeed every year a considerable number of families from different parts of the Union; they do not all settle, it is true, but some remain in the country. He also reckons upon drawing numerous settlers from New Brunswick, who cannot endure the climate of that country. And lastly, the considerable emigration from Europe, which he fancies he foresees, affords him certain hopes of obtaining thence a very numerous population. Yet, by his account, the prevailing sentiments of the people render the admission of new inhabitants, who present themselves, rather difficult; especially of those who come from the United States. For this reason he sends such colonists as cannot give a satisfactory account of themselves into the back country, and stations soldiers on the banks of the lakes which are in front of them. He would admit every superannuated soldier of the English army, and all officers of long service, who are on half pay, to share in the distribution of such lands as the king had a right to dispose of. He would dismiss every soldier, now quartered in Canada, and give him one hundred acres of land, as soon as he should procure a young man to serve

as his substitute. With his views to increase the population of the country, he blends the design of drawing young Americans into the English service, by which he will augment the number of American families attached to the King of Great Britain. In the midst of these families of soldiers, which he intends to settle on the lakes, and on all the frontiers towards the United States, he means to place all the officers who, as has already been observed, have any claim on the lands. He proposes thus to form a militia, attached to the king from habit and gratitude; and this he considers as one of the most certain means for suppressing the disturbances which might be excited by disaffected new settlers, who inhabit the midland counties, and at the same time as one of the best measures of defence, in case of an attack. By this plan of settling amidst the soldiers officers and gentlemen of respectable families, whom he hopes to attract from England, he wishes to form a class of gentry, and to promote, more or less, the execution of the project, clearly discernible in the new constitution, to introduce into the two Canadas an hereditary nobility.

"It is asserted that all Canada, vast as is its extent, produces not the necessary corn for the consumption of its inhabitants; the troops are supplied with flour from London, and with salt meat from Ireland. In General Simcoe's opinion, Upper Canada is not only capable of satisfying the wants of all its inhabitants, but also of becoming a granary for England, and of creating a considerable trade by the exchange of this necessary of life for other commodities; nor does he entertain the least doubt, but that the activity, in agricultural pursuits, which he endeavours to excite in Upper Canada, will operate as a powerful example in regard to Lower Canada, and rouse it from its present supineness and indolence. He conceives, that the vast quantities of fish, with which the lakes abound, and especially of sturgeons in Lake Ontario, afford the means

of a successful competition with Russia, which supplies England with this article to a very considerable amount.

"The corn-trade is, in his judgment, far preferable to the fur-trade, which appears to him at once unprofitable for Great Britain, and a means of oppression to Canada, inasmuch as it throws the whole trade into the hands of a few companies, and at the same time renders them masters of the commodities which are imported from England in return. It is his wish, that merchants may settle on Lake Ontario, in Montreal, and in Quebec; and, by the establishment of a corn-trade, destroy that monopoly which very justly excites his indignation; and he entertains hopes that this will actually take place.

"The maxims of government professed by General Simcoe are very liberal and fair; he detests all arbitrary and military government, without the walls of the forts; and desires liberty in its utmost latitude, so far as is consistent with the constitution and law of the land. He is, therefore, by no means ambitious of investing all power and authority in his own hands, but commits to the lieutenants, whom he nominates for each county, the right of appointing the justices of the peace and officers of the militia. By this measure, he thinks he shall be able to attach men of weight and influence to government, and subordinate officers to their superiors, and thus secure additional resources for preserving the good opinion and affection of the Canadians towards the British government. All the justices of the peace, whose number is very great indeed, possess the right, within their respective districts, of assigning, in the king's name, to every settler, with whose conduct and principles they are acquainted, a lot of two hundred acres of land. The surveyor of the district is informed, by the justice of the peace, of the grant made in favour of the new colonist, and of the oath of allegiance he has taken; on receiving which information he gives the new settler a certificate, pointing out that part of the district where he

is to find the land allotted to him by the magistrate. If he should wish for a greater quantity of land, he must apply to the Executive Council.

"From the present smallness of the number of the inhabitants of Upper Canada, which, however considerable the migration may be, for a great length of time will bear no proportion to the extent of country to be peopled, General Simcoe entertains not the smallest wish to enlarge his territory at the expense of the Indians; on the contrary, he receives with the utmost kindness those whom the Americans drive from their habitations; and this conduct is extremely wise. If, on the one hand, the policy of the United States require that, in the intermediate space between them and the English, there should not reside a people, who may prove dangerous from their extreme susceptibility of seduction, who cannot be useful on account of their small number, and who, being a nation that lives by hunting, demand a large tract of country for their subsistence; Governor Simcoe may, on the other hand, tolerate them, without the least danger, on the frontier of the English possessions, connect them by this measure more closely with England, and exasperate them against the Americans, in order to take advantage of their hatred in case of need; especially as he finds they will, at any time, cede to him whatever lands he may desire.

"Although the fur trade, in General Simcoe's opinion, is not so profitable to England as many Englishmen imagine, yet he will not divide its profits with the Americans; who, by the surrender of the forts, acquire a share in the navigation of the lakes, and excellent harbours on their coast; and of consequence, are possessed of every means to participate in this branch of commerce. A communication, he thinks, may easily be opened between Lake Huron and Lake Ontario, by means of St. Joseph's River, which, by relieving the fur-traders from the trouble and expense of the circuitous navigation of the Détroit

River, of Lake Erie, of the Niagara River, and of a great part of Lake Ontario, would disappoint the United States in their hope of receiving in future, as they have hitherto done, any articles across the lakes from the forests, situate above Lake Huron, and would at the same time free English ships from the necessity of passing by the forts of Détroit and Niagara, which are henceforth to belong to the Americans. Nay, he is of opinion, that a direct communication might be established between Lake Huron and St. Lawrence river, which would, however, require several portages, on account of the numerous rapids which interrupt the navigation of the river, as well as of the small lakes through which it flows.

"The plan of military operation conceived by the Governor, in case of a war with the Americans, consists in chiefly drawing them into the English dominions, where, under the protection of his forts, he can fight them to greater advantage. He further intends to establish a respectable navy, composed of small vessels, mounting heavy guns, which no American yacht can dare to engage, and which, if a descent were openly attempted on the territory of the United States, would be well qualified to cover the landing. He also promises himself much from the assistance of his militia, with whom he would make considerable inroads into the heart of the enemy's country. The communication between Lake Huron and Lake Ontario appears to him still more necessary in time of war, as by means of this communication he intends to convey into the latter lake the galleys, bomb-ketches, and gun-boats, which he purposes to build at another town, lying on the Thames, to which he has given the name of Chatham.

"The views of Governor Simcoe, I mean those which concern the civil government, are undoubtedly extensive and well-planned. They are, in my judgment, the best that can be conceived, in his situation as an English governor; and the possibility of their being carried into effect

cannot be questioned, if he possesses the confidence of government, and has plenty of money to expend. He may also, in the execution of his plans, derive considerable aid from the soldiers quartered in his province. He is aware of the indispensable necessity of habituating the troops to labour, in a country where he cannot hope to make them masters of a complex system of tactics, and where laborious habits peculiarly fit them for that sort of warfare which is best adapted to the smallness of their number, to the enemy they have to combat, and to the difficulties they have to encounter.

"But the execution of his projects is nevertheless, upon the whole, obstructed by numerous obstacles, the greatest of which consists in the Governor's determination to return to England at the expiration of five years. A plan of such vast magnitude, and which comprises so great a variety of designs, can be carried into execution by him only who was able to conceive it. From the very nature of the principles on which it is built, and the intimate connexion of its various parts, the successful execution of such a project supposes, on the part of the executor, besides a thorough knowledge of its structure and complexion, courage, order, and a laudable ambition of achieving arduous and useful undertakings; requisites hardly to be met with in any person who may be sent to succeed this governor. If such a one be a man of moderate capacity, he will neither be able to pursue nor to execute a plan, which is not of a nature to be committed to subaltern officers; and if he be possessed of some parts, as is generally the case, self-love will dissuade him from pursuing a plan laid down by another; and however positive and peremptory his instructions may be, at two thousand miles distance they will be easily evaded. Add to this, that fondness for military power, and the love of arbitrary authority, are in every region of the globe the usual attributes of

men in power. If, therefore, General Simcoe should execute his design of leaving Upper Canada, two years hence, he will hardly find sufficient time to lay the foundations of a plan, which appears to him, and I think very justly, extremely well adapted to promote the prosperity of Upper Canada, and greatly enlarge the interests of Great Britain. The various branches of this plan are so extensive and so numerous, that a long series of years, spent in the same spirit and unwearied exertion, will be requisite to execute it in its whole extent.

"But he himself, I believe, would meet with impediments in the execution of his plan. Although General Simcoe is entirely independent on Lord Dorchester in all civil concerns, yet he is not so in regard to the military department, of which the quartering of the troops forms a part. He told me himself, that, in this respect, he feared to meet with opposition; and I incline to think, that on this subject he did not express all he knows. Unless the troops be stationed in such posts, as to cover and defend the projected capital, and the various settlements which he has in contemplation; unless they be kept to labour, rather than military exercises, and unless those who can find substitutes be dismissed from service, his project fails in three very material points, which can hardly be accomplished by any other means.

"Lord Dorchester is advanced in years, and, like all aged people, no friend of new ideas. Beside that he is fond of boundless power, the prevailing disposition of the inhabitants of Lower Canada may excite in him a wish of drawing more troops into that province; and several hints, thrown out by General Simcoe, incline me to believe that he thinks his Lordship has some such intention. The Governor may also, perhaps, be too sanguine in some of his expectations, or indulge delusive hopes.

"As to the emigration from the United States to Upper

Canada, I mean a considerable emigration, it appears not to me altogether so probable as to him. The free grant of lands seems at first sight a much greater inducement than it actually is. The lands are indeed given away gratis; a certificate of the surveyor, granted by command of the Executive Council, gives the new settlers a right to the usufruct of these lands; but the property thereof is sooner or later transferred, according to the will and pleasure of the Council. To the best of my knowledge, none of these free grants include a transfer of the right of property. If an occupier of this description dies without issue, previously to his having acquired that right, his estate escheats to the king; no collateral friends or relations succeed in the possession of the estate; and, of consequence, the money and labour expended in its improvement and cultivation have been spent for the benefit of the crown. In the United States, a new settler, on purchasing a certain quantity of land, the price of which is to be paid by distant instalments, has a prospect of discharging them by selling again a small portion of his estate, the value of which he has doubled by cultivation; while the Canadian planter has to look for the permanency of his possession merely to the will and pleasure of the Governor; and, if he understand his interest, he will not place on him an implicit dependance. Interest and an acquaintance with substantial and respectable settlers may, no doubt, procure him sooner the right of property, and thus facilitate a second sale. But favours of this kind are always confined to a part of the estate, and depend on the arbitrary will of the Council. As long, therefore, as there shall exist no law, determining the period and terms of the investiture with these rights, the possessors will remain uneasy and insecure; and consequently the progress of improvement will be greatly retarded. Mines of every description, from gold down to pit-coal, which may be discovered in the lands thus ceded, as well as all timber, which, in the judgment of the surveyor-gene-

ral, is fit for ship-building, are in all these grants reserved in favour of the king*. All these restrictions cannot but render a good settler very uneasy, and may, in the estimation of many people, prone to emigration, far outweigh the advantages of a free grant.

"The attachment to the King of Great Britain, which is frequently alleged as a ground for emigration, seems an empty dream. It is common with all Englishmen, who hold here places under government, to boast of this attachment of many inhabitants of the United States of every rank and description. On what grounds this opinion rests I know not; but it is certainly not warranted by what I learned in the United States. They there profess, so loudly and uniformly, principles which indicate the exact reverse, that these professions ought doubtless to be considered as better pledges of the true sentiments of the Americans than the assertions of a few Englishmen in place.

"The families who arrive here from the United States,

* Without remark, the above account may cause mistake. The constitution of Canada secures the holding of land on free and common soccage; but during the bustle of Simcoe's government many settlers may have come in and taken possession of land allotted them, trusting merely to the word of the Governor; and it was so. Simcoe issued proclamations, inviting settlers from all quarters, and his liberal conduct brought many active people in from the States, some of them furnished with all the requisites for settling whole townships promised them. In the midst of all this activity Simcoe was recalled, all his schemes abandoned, and his verbal engagements dishonoured, by the Governors who succeeded. Many settlers of spirit, after being thus treated, left the country in disgust. Some accepted small portions of land for their great promises, and remained, never however to forget the want of faith in the government. This gave a beginning to discontent in Upper Canada, and there were no want of causes to keep it alive. The reservation of timber, minerals, &c. is a foolish encumbrance on land deeds to this day.—R. G.

emigrate there most of them, it is asserted, from their being subject there, to a tax, with which, however trifling it may be, they are yet displeased. If this be really the case, such a disposition cannot in future times prove favourable to Great Britain. We were also told that General Simcoe, from his eager desire to people Upper Canada, is by no means difficult in regard to the qualifications of the new settlers who present themselves; and that, notwithstanding his aversion to speculations in land, and his personal disinterestedness, frequently a whole township, nay at times two or three together, are assigned to one and the same person.

"The Governor is of opinion, that the trade of Upper Canada may be increased by the commodities of the Genessee district, for which he sees no other outlet, but by the river of St. Lawrence. This opinion, however, seems to have no foundation; when it is considered that Lake Oneida, the Wood-creek, and Mohawk-river, offer ready means for a water-communication with Lake Ontario and the North River, which is at present interrupted only at three places, where the boats are to be carried; and that the Americans, in every part of the Union, display the utmost zeal, activity, and industry, in every thing which tends to facilitate communication by water. But upon the whole, the Governor's miscalculations, originating from national prejudices, are of too little importance to impede the execution of his project; they may, perhaps, protract its completion, but cannot occasion its failure. The true impediments are those which I have before mentioned, and the chief obstacle is the Governor's return to England.

"The present population amounts, as I have already stated, to thirty thousand souls. The principal settlement is that of Détroit, which consists entirely of French families, and is mostly situated on a tract of land that, according to treaty, is to be given up to America. The English flatter themselves that the families who have settled there

will remove from the American to the British side. But, if the conduct of the American government towards these families should be such as the interest of America dictates, there remains but little probability that they will leave their long-cultivated estates, merely from a desire of living under the English dominion. The other settlements in Upper Canada consist of a very considerable colony, which stretches along the river from Fort Erie to Newark, is not fully occupied, and does not comprise a large extent of ground; in a few plantations on the creeks, which run into Lake Ontario from Newark up to its northern point; in an insignificant beginning of a settlement in York; and lastly in Kingston, extending along the banks of the river St. Lawrence to the boundaries of Lower Canada, which is the most populous of all.

"As to the Governor's military plans, his measures of defence only are settled and determined; his plans of offensive operation are so undefined and uncertain as not to deserve any mention.

"The hatred of the Governor against the United States occasions him, on the slightest occasion, to overleap all the bounds of prudence and decency, which he carefully observes in all other matters. He was a zealous promoter of the American war, in which he took a very active, yet very unfortunate, part. The calamitous issue of the war has still more exasperated his hostility; and it was with the sincerest grief I listened to his boasting of the numerous houses he had fired during that unfortunate conflict, and of his intention to burn a still greater number in case of a rupture. In short, the whole of his intentions on this subject was such as the most violent party-rage alone can inspire. He told us, that, in case of a war with America, by expending vast sums of money, he would force them to expenses equally great, which they would not be able to meet, and much less to support for any length of time; in short, wage against them a money-war. Yet he affirms in-

cessantly, that it is his anxious wish to preserve peace with the United States. This he very justly considers as a powerful mean of promoting the prosperity of his new colony. But his hatred against the rebels is so violent; and his displeasure, occasioned by the surrender of the forts, is so strong; that the charge, preferred against him by the government of the United States, of his having last year assisted the Indians as much as he could, without making himself openly a party in the dispute, seems not devoid of foundation. By exciting this war, the successful issue of which he considered as certain, he attained the twofold purpose of satisfying at once his ambition and his revenge. He does not himself deny, that he had adopted the necessary measures for conducting to the district of Genessee all the Indians who were at his disposal, and who, by his account, amounted to five thousand men; measures which would naturally have been attended with the firing of all the habitations, and the slaughter of all the inhabitants. A war thus barbarous and destructive would have been waged by England at the end of the eighteenth century; and the founder of a colony, in every other respect a man of generous and noble feelings, would have projected and prepared it. I should not have credited these projects, had I heard them stated by any individual but the Governor himself; nor should I have ventured to introduce them here, but that, within my knowledge, he has repeatedly communicated them to several other persons.

"But for this inveterate hatred against the United States, which he too loudly professes, and which carries him too far, General Simcoe appears in the most advantageous light. He is just, active, enlightened, brave, frank, and possesses the confidence of the country, of the troops, and of all those who join him in the administration of public affairs. To these he attends with the closest application; he preserves all the old friends of his king, and neglects no means to procure him new ones. He unites,

in my judgment, all the qualities which his station requires, to maintain the important possession of Canada, if it be possible that England can long retain it.

"In his private life Governor Simcoe is simple, plain, and obliging. He inhabits a small miserable wooden house, which formerly was occupied by the commissaries, who resided here on account of the navigation of the lake. His guard consists of four soldiers, who every morning come from the fort; and return thither in the evening. He lives in a noble and hospitable manner, without pride; his mind is enlightened; his character mild and obliging; he discourses with much good sense on all subjects, but his favourite topics are his projects and war, which seem to be the objects of his leading passions. He is acquainted with the military history of all countries; no hillock catches his eye without exciting in his mind the idea of a fort, which might be constructed on the spot; and with the construction of this fort he associates the plan of operations for a campaign, especially of that which is to lead him to Philadelphia. On hearing his professions of an earnest desire of peace, you cannot but suppose, either that his reason must hold an absolute sway over his passion, or that he deceives himself.

"Mrs. Simcoe is a lady of thirty-six years of age. She is bashful, and speaks little; but she is a woman of sense, handsome and amiable, and fulfils all the duties of the mother and wife with the most scrupulous exactness. The performance of the latter she carries so far as to act the part of a private secretary to her husband. Her talents for drawing, the practice of which she confines to maps and plans, enable her to be extremely useful to the Governor.

"Upper Canada pays no taxes, except a duty on wine, amounting to four-pence per gallon on Madeira, and two-pence on other sorts of wine, and another of thirty-six shillings sterling a year for a tavern-licence, which, during

the session of 1793, was increased by twenty shillings Canada currency (four dollars). The sum total of the public revenue amounts to nine hundred pounds sterling, out of which are paid the salaries of the Speaker of the House of Representatives and of the Secretaries; the remainder is destined to meet the expence which local circumstances may require for the service and maintenance of society.

"The justices of the peace determine in the quarter-sessions, as they do in England, the amount of the county-rates for the construction of public buildings, for the repair of the roads, and the maintenance of the army. (The last item is not yet known in Canada.) These rates are raised by means of a capitation or poll-tax, assessed in proportion to the probable amount of the property of the whole who are in the district, liable to contribute; the largest assessment on any individual exceeds not four dollars.

"On the same principle is raised the pay of the members of the Assembly, who, on their return at the end of the session, deliver to the justice of the peace of their district a certificate of the Speaker, proving the number of days they have been present, and receive two dollars per day out of the money raised for that purpose, including the days they have been upon their journey.

"The quarter-sessions are held in every district; and the division into districts is connected with the administration of justice. The justices of the High Court of Judicature for civil and criminal causes, who are three in number, including the chief justice, hold four sessions annually in the town in which the Governor resides. They also go on circuits in the different districts of the province once a year; judges for the different districts sit at shorter intervals to settle matters of little importance, and the justices of the peace exercise the same jurisdiction as in England.

"A tribunal, composed of the Governor and two mem-

bers of the Executive Council, form the Court of Appeal in such causes as have been decided by the High Court of Judicature. The Governor forms also, with the concurrence of an assistant, the choice of whom depends entirely on his option, a Court of Chancery for the decision of causes concerning testaments, intestate heirs, orphans, &c.

"Respecting the frequency and punishments of crimes, Mr. White, Attorney-general of the province, informed me, that there is no district in which one or two persons have not already been tried for murder; that they were all acquitted by the jury, though the evidence was strongly against them; that, from want of prisons, which are not yet built, petty offences, which in England would be punished with imprisonment, are here mulcted, but that the fines are seldom paid for want of means of execution; and that the major part of law-suits have for their object the recovery of debts; but sometimes originate also from quarrels and assaults; drunkenness being a very common vice in this country.

"The province of Upper Canada is divided into the four districts of Détroit, Niagara, Kingston, and St. John's (Johnstown). The justices of the peace are selected from among those persons who are best qualified for such an office; but, in a country so recently settled, men worthy of this trust cannot be numerous.

"The division of Upper Canada into counties is purely military, and relates merely to the enlisting, completing, and assembling of the militia. The counties are about twelve in number. Their names, with which I am unacquainted, are not of sufficient importance to deserve to be here mentioned. The militia of each county are assembled and commanded by a lieutenant and second-lieutenant; they must be divided into regiments and companies. They assemble once a year in each county, and are inspected by the captains of the different companies at least twice a year. Every male inhabitant is considered as a militia-man

from the age of sixteen to fifty. He is fined four dollars if he do not enlist at the proper time; and officers, both commissioned and non-commissioned, who do not join their regiments at the time the militia are assembled, pay a fine; the former of eight dollars, and the latter of two. An officer who, in case of an attack or insurrection, should not repair to his assigned post, would be punished with a pecuniary penalty of fifty pounds sterling, and a petty officer with a fine of twenty pounds sterling. A militia-man, who sells either the whole or part of his arms, ammunition, or accoutrements, is fined five pounds sterling; and, in default of payment, imprisoned for two months. The Quakers, Baptists, and Tunkers, pay, in time of peace, twenty shillings a year; and, during a war of insurrection, five pounds sterling, for their exemption from military service. Out of these fines and ransoms the adjutant-general of the militia receives his pay, and the remainder is at the Governor's disposal.

"This is nearly the substance of the first act of the legislative body of Upper Canada, passed in 1793. In the following year, 1794, an additional act passed relative to the militia, the chief regulations of which tended to improve and define more accurately the internal form of the regiments, battalions, and companies, and to render the assembling of detachments more easy and expeditious. This act determines, that, in time of war, the obligation to carry arms in defence of the country shall not cease before the age of sixty; and that, of consequence, Quakers and others, who enjoy an exemption from military service, shall pay for their immunity up to that age. It also obliges the militia to serve on board of ships and vessels, to act as cavalry, and to extend their service beyond the province, on condition, however, that the same men be not bound to serve more than six months successively.

"The exemptions from military service are confined to the officers of justice, and other public functionaries,

whose number is very small. The whole militia is estimated at nine thousand men, for a tract of country of considerable extent, in which, however, the communication and assembling of the troops are much facilitated by the lakes.

"All the expences of the civil and military administration of Upper and Lower Canada are defrayed by England. The sum total, including the political expences, or the money paid to the Indians, though this forms an item of the military expenditure, amounts for Upper Canada to one hundred thousand pounds sterling. Nearly two-thirds of this sum, or sixty thousand pounds, are paid to the Indians; including the pay of the principal agents, under-agents, interpreters, &c. This pay deducted, all the other charges occasioned by the Indians consist in presents, tomahawks, muskets, powder and ball, knives, blankets, rings, buckles, hats, looking-glasses, and, above all, in rum. The agents are charged with the distribution of these articles, which by some are distributed every year, by others at various times, according to circumstances. It is by these means the Indians are supposed to be gained over. Such of their chieftains as are believed to possess considerable influence obtain a larger share of presents; by which, and especially by a profuse distribution of rum, their friendship is gained and preserved. The Americans are depicted to them as their inveterate enemies; they are made to swear that they will burn and scalp these foes at the first signal. It was in this manner the Governor imagined last year, from the reports he had received, that he should be able to dispose of fifty thousand men, who had all taken an oath not to leave a scalp on the skull of any American they should fall in with. A relation of these atrocities has all the appearance of an exaggerated account of some nation of cannibals, and yet it is literally true. The English assert, that the Americans, on their part, proceed exactly in the same manner.

"It must be confessed that the colonists, by their mean

and barbarous policy, teach the Indians to despise them. But we may indulge a hope that the time is not far distant, when the latter shall possess sufficient sense to take the presents of England and the money of the United States, and to laugh at both these great nations; scorning to be any longer the tools of their ambition and revenge.

"We have here been told that England's annual expenditure, for Upper and Lower Canada, amounts to four or five hundred thousand pounds sterling: whether the pensions and donations which England bestows on some inhabitants of the United States, be comprised in this estimate, I know not; but this I know, from a very respectable source, that they amount to a pretty large sum. Is it this circumstance to which Messrs. Hammond and Simcoe allude, when they speak of the numerous friends of the King of Great Britain in the United States?

"I have not yet mentioned that the Governor is also President of an Executive Council, composed of five members. In regard to the bills which have passed both Houses, his assent or dissent is determined by the majority of votes. But as he appoints this Council, and has also the power of dissolving it, we may easily conceive that it consists of members entirely dependent on him. The major part hold seats in the Legislative Council.

"An office, which was exclusively charged with preparing for the discussion and decision of the Council such matters as concern grants of land, has lately been abolished. The Executive Council has reserved to itself the introductory disquisition, as well as the definitive determination, of all business of this description. The number of those who apply for lands is uncommonly great. The claims of the petitioners are generally grounded on their attachment to the British monarch, and their disgust or hatred against the government of the United States. But under allegations of this kind, frequently lurks a spirit of speculation. Notwithstanding the solicitude said to be

displayed by the Council to discover the truth, many grants of land are made on no other grounds than favour. By the letter of the law, which, however, is often eluded, one individual cannot obtain more than one thousand two hundred acres. Yet as the grants contain no clause fixing the period within which the ground is to be cleared, speculations frequently occur, and not the least security is obtained, that the land will be a moment sooner inhabited for being thus bestowed.

"I have already observed, that officers, who served in the American war, have a right to a share in these lands, which amounts, for a lieutenant, to twelve hundred acres, and for a colonel, to five thousand. But officers who never acted in the American war, nor ever held a colonel's commission, have obtained shares as great as the largest allotted to those who have. These lands, though most favourably situated, are not yet cleared; nor is there the least appearance of their being speedily cultivated.

"Every thing is excessively dear at Newark. The shops are few, and the shopkeepers, combining against the public, fix what price they choose upon their goods. The high duty laid by England upon all the commodities exported from her islands proves a powerful encouragement to a contraband trade with the United States, where, in many articles, the difference of price amounts to two-thirds. The government of Canada is very vigilant to prevent this contraband trade; but a certain prospect of gain excites to exertion, which will frequently succeed in eluding the law, as well as the vigilance of the executive power. The shopkeepers know perfectly well how to favour this contraband trade, the only means for destroying which would be to lower the duties, and, of consequence, the price of the commodities. The Governor has it in contemplation to encourage such manufactures as produce those articles, which are *run* in large quantities into this province from the United States, such as hats. But all his

exertions to this effect will fail in regard to sugar, coffee, tea; in short, with respect to all commodities which are directly imported from the United States, without being there subjected to as high a duty as in Canada.

"During our long residence at Navyhall, all the inhabitants of an Indian village, of the Tuscarora nation, came to congratulate the Governor on his late arrival at Navyhall. All these visits and congratulatory compliments have no other object but to obtain some drink, money, and presents. These Indians generally arrive in the morning, in vessels, from the opposite banks of the river, which they inhabit. They were decked out with uncommon care, covered with rags of every description, and adorned with horse-hair, and feathers of all possible species of birds. In their ears and noses they wore rings of the most varied forms and colours. Some were dressed in European clothes, others wore laced hats, and some were naked, excepting the double apron, and painted from head to foot. It is in the manner of painting themselves, that their genius is especially displayed. In general they prefer the harshest colours; paint one leg white, and the other black or green, the body brown or yellow, the face full of red or black spots, and their eyes different colours. In a word, they unite in their decorations the utmost absurdity and harshness. They are, every one of them, painted in a different style, and furnished with a small looking-glass, which they every moment consult with as much attention as the most finished coquette. They comb themselves again and again, and touch up the colours, which may have faded from perspiration or exercise. Many of them wear silver bracelets and chains round their necks and arms. Some have a white shirt with long sleeves over their clothes, and this forms their most elegant garment; the major part wear as many silver buckles as they can afford. In short, their appearance calls to recollection the whimsical masks, which throng the streets at Paris during the carnival. It must,

however, be confessed, that their absurd finery, in a great measure, consists of things which they make themselves, of horses', buffaloes', or other hair, or of the bristles of the hedge-hog. They twist ropes of the bark of trees, and make laces of a species of herbs. Many of these articles, which they use to adorn their dress, their tobacco-bags, their scalping-knives, garters, and mockinsons, (a sort of shoes) are made by the women, with a regularity, a skill, nay, I may say, with a taste, seldom to be found in Europe. Their chief excellency consists in the great variety and richness of the colours, which they generally extract from leaves, and from the roots of certain herbs; but they possess also the art of extracting them from all dyed linens and silks, of which they can obtain a piece. They boil these rags in the juice of a plant, with the species and name of which I am unacquainted, and thus obtain a very durable colour for dying hair or bark.

"On their arrival this morning the Indian visitors were about eighty in number. The Governor, being particularly engaged, deferred receiving their visit until the afternoon; at which time only thirty made their appearance, the rest being all drunk, and unable to move. The visit was received on a large plot of grass, without the smallest compliment on either part. The Governor was present, but kept at some distance. The Indians danced and played among themselves. Some of their dances are very expressive, and even graceful. A mournful and monotonous ditty, sung by one, and accompanied with a small drum, six inches high, and three in diameter, forms all their music, except that frequently a stick is added, with which a child beats the time. They dance around the music, which they frequently interrupt by loud shrieks. The hunting and war dances are the most expressive, especially the latter. It represents the surprise of an enemy, who is killed and scalped, and is performed by one person. The rest are hopping about, like monkeys, in a semicircular figure, and

watch, with the utmost attention, every movement of the dancer. The moment when the enemy is supposed to have breathed his last, a strong expression of joy brightens every face; the dancer raises a horrid howl, resumes his pantomime, and is rewarded by universal shouts of applause. When he has thus finished his dance, another enters the stage, who is, in his turn, relieved by others; and in this way the dance is continued, until they become tired of it. When the dance was over, they played at ball; a game in which they displayed their agility to the greatest advantage. Every one had a racket, the handle of which was three or four feet in length, and bent at the end, so that the racket has the form of a bow. The packthread is made of bark; they grasp the racket with both hands, and run after the ball, wherever they see it, with the view of catching it, one before another. This ball is frequently thrown to a considerable distance, in which case they run after it all together, to catch it, either in the air, or on the ground. No bush, no ditches, no barriers check their ardour. They clear every thing, leap over every thing, and display, in this game, a versatility, swiftness, and dexterity, which are truly striking. During these games the agent came up to the general, with one of the chieftains, and told him, that the Tuscarora nation wished to learn whether they might assist at a meeting, to be held in Onondago by the Oneida Indians, for the purpose of selling a part of the Oneida reservation, which the state of New York had manifested a disposition to purchase. The Governor's answer was conceived in terms extremely vague; the agent translated this answer as he pleased, and in reply assured the Governor, in the name of the Indians, that they would not go to Onondago, from the hope that this would prove more agreeable to the British Monarch. Whether this political farce was acted only by the agent, or whether the chieftain took a part, I know not; but this I know, that this chieftain, a moment before, begged of me two shillings, for

which he would have promised me, had I desired it, to visit or not to visit all the meetings throughout the universe. Without entering further on this subject, I shall merely observe, that the whole policy of England, relative to the Indians, is in the hands of the agents, who alone understand their language, and have the sole management of the presents. It rests entirely with these agents to persuade all or any of these nations to engage in war, and to excite their enmity either against the United States or against each other. The Governor is altogether incapable of judging of their disobedience and opposition to the orders of his cabinet but by the results. The same is undoubtedly the case as to the American States.

"The English agent, here referred to, is Colonel BUTLER, celebrated for his * * *

ing, and have plenty of game. But I repeat it once more, to do justice to this question would require a more profound discussion than I can enter upon in this place. Besides, it can hardly be satisfactorily decided, since the state of savage nations, left entirely to their primitive life, is widely different from the condition of those who reside in the vicinity of these colonists, and hold intercourse with them. If, on mature deliberation, we were obliged to allow, that the creation of wants, the necessity of providing for them, the exercise of our mutual powers, the unfolding of our faculties, and the refinement of our feelings, prove more frequently sources of misfortune than of happiness; every degree of civilization, pregnant with all these, should carefully be kept, for their own sake, from all savage tribes. But the same conclusion will not hold good in regard to a barbarous people, who, from their intercourse with civilized nations, possess already some degree of civility; but a civility which acquaints them with vices only, and consequently introduces them to sources of misfortune, and who, therefore, from a higher degree of culture, may derive an alleviation of their fate and an increase of happiness. As to the advantages likely to accrue to the civilized world from the civilization of the savages, the question seems likely to demand a decision in the affirmative.

"However this may be, the Governor, in conceiving this project, had not only the happiness of the Indians in view, but also his own advantage. He intends to have them civilized by priests, and would give the preference to missionaries of the Roman Catholic persuasion. The policy of General S——— inclines him to encourage a religion, the ministers of which are interested in a connexion with the authority of thrones, and who, therefore, never lose sight of the principle, to preserve and propagate arbitrary power.

"I learn here that rum enervates the Indians, shortens their lives, renders their marriages daily more barren, and,

when fruitful, productive only of poor unhealthy children; and that, from the use of this poison, which now cannot either be wrested from them, or rendered harmless in its consequences, the different tribes are daily decreasing in number.

"Eighty miles from Navyhall, on the Miami, or Great (Grand) River, is the settlement of Colonel Brant, with a view of which I should have been much pleased; but he is not there at present, and they assure me that, in his absence, I should see nothing but what I have already seen in those I have hitherto visited.

"Colonel Brant is an Indian by birth. In the American war he fought under the English banner, and he has since been in England, where he was most graciously received by the King, and met with a kind reception from all classes of people. His manners are semi-European. He is attended by two negroes; has established himself in the English way; has a garden and a farm; dresses after the European fashion; and nevertheless possesses much influence over the Indians. He assists at present at the Miami treaty*, which the United States are concluding with the western Indians. He is also much respected by the Americans, and, in general, bears so excellent a character, that I sincerely regret I could not see and become acquainted with him.

"The Indians, who inhabit the village which we passed on leaving Canawaga, paid also a visit to the Governor, during the time we staid with him. The weather being

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* The treaty alluded to by the author is the Greenville treaty, concluded on the 3d of August, 1795, at Greenville, a fort and settlement on the south side of a north-western branch of the Great Miami, between Major-General A. Wayne and the chiefs of the following tribes of Indians, viz. the Wyandots, Delawares, Shawanese, Ottawas, Chippawas, Putawatimes, Miamis, Eel-River, Weeas, Kickapoos, Pian Kashaws, and Kaskaskias.—*Translator.*

too hot for receiving the visit on the grass, he ordered them to be ushered into a room, where he was attended by some officers of the garrison. The chiefs of the Indians said a few words, which the agent interpreted to the Governor, as containing an assurance that they would employ their tomahawks against any one he should point out, and expressions of regret that they could not use them last year against the Americans. The Governor thanked them for these sentiments, endeavoured to confirm them in this friendly disposition, and told them that the King of Great Britain wished for peace, whatever lies the *maize-thief* [Mr. P———, Commissioner of the United States] might have imposed on them last year. They answered, that the Governor was perfectly right, and that P——— was a liar, drank as much as they pleased, and departed. The conference was held at eight o'clock in the morning, and before nine o'clock half of them were intoxicated. The Governor is very anxious to oblige and please the Indians; his only son, a child four years old, is dressed as an Indian, and called Tioga, which name has been given him by the Mohawks. This harmless farce may be of use in the intercourse with the Indians.

"The Niagara river and lake abound with a great variety of fishes. We assisted at a fishing intended to supply the soldiers with fish: the net was drawn thrice. One end of the net was held by men who remained on shore, while the remainder was carried into the stream by means of a boat, which, after the net had been entirely expanded, conveyed the other end back to the shore. Both ends are joined on the spot whence the net is drawn. It is only four feet deep, but one hundred feet in length. Upwards of five hundred fish were caught, among which were about twenty-eight or thirty sturgeons, small pikes, whitings, rock-fish, sun-fish, herrings, a sort of carp, which in point of shape resemble those of Europe, but differ much in flavour and in the form of their heads, salmon, trouts; in

short, all the fish were of tolerable size. Middle-sized fish are easily caught by anglers on the banks both of the river and the lake; they frequently catch more than their families can consume in several days.

"The town of Newark stands on the other side of the river, directly opposite to the fort. About a hundred houses, mostly very fine structures, have already been erected, but the progress of building will probably be checked by the intended removal of the seat of government. The majority of the inhabitants, especially the richest of them, share in the administration; and consequently will remove to whatever place the government may be transferred. In point of size and elegance the house of Colonel Smith, lieutenant-colonel in the fifth regiment, is much distinguished from the rest. It consists of joiners' work, but is constructed, embellished, and painted, in the best style; the yard, garden, and court, are surrounded with railings, made and painted as elegantly as they could be in England. His large garden has the appearance of a French kitchen-garden, kept in good order. In a country where it is a hard matter to procure labourers, and where they are paid at the rate of one dollar per day, he finds in his regiment as many as he chooses for ninepence sterling a day, because the men otherwise do not easily obtain leave to go to work. It is in this manner he is now clearing five thousand acres, which have been granted him, and has the use of thirty more, which belong to the King, are situate in front of the town, and which the Governor has assigned him, until he shall be necessitated to demand them again.

"The scarcity of men-servants is here still greater than in the United States. They who are brought hither from England either demand lands, or emigrate into the United States. A very wise act of the Assembly declares all negroes to be free, as soon as they arrive in Canada. This description of men, who are more or less frequent in the

United States, cannot here supply the want of white servants. All persons belonging to the army employ soldiers in their stead. By the English regulations, every officer is allowed one soldier, to whom he pays one shilling a week; and this privilege is extended, in proportion as the officers have need of a greater number of people. The Governor, who is also colonel of a regiment of Queen's Rangers, stationed in the province, is attended in his house, and at dinner, merely by privates of this regiment, who also take care of his horses. He has not been able to keep one of the men servants he brought with him from England.

"The regiments quartered in the vicinity of the United States, it is asserted, lose much by desertion. Seeing every where around them lands, either given away or sold at a very low rate, and being surrounded by people, who within a twelvemonth have risen from poverty to prosperity, and are now married and proprietors, they cannot endure the idea of a servitude, which is to end only with their existence. The *ennui* naturally arising from the dull and secluded manner of living in garrisons, where they find neither work nor amusement, and the slight attention shewn them by most of the colonels, darken still more, in their view, the dismal picture of their situation. They emigrate accordingly into the United States, where they are sure to find a settlement, which, if they choose to work, cannot fail to make them rich and independent. To hold out to them the same hopes in the English colony of Canada, would be the only mean of rendering less dangerous the temptation offered by the United States. It is with this view, that Governor Simcoe very wisely formed the project of dismissing every soldier, who should find an able substitute in his room, and to give him one hundred acres of land; but it is said, that this project appears, in Lord Dorchester's judgment, to savour too much of the new principles, to obtain his consent. If it were actually refused, such an unreasonable denial would more forcibly

provoke the discontented of the troops, from their being already acquainted with the measure.

"During our residence at Navyhall, the session of the legislature of Upper Canada was opened. The Governor had deferred it till that time, on account of the expected arrival of a chief justice, who was to come from England; and from a hope, that he should be able to acquaint the members with the particulars of the treaty with the United States. But the harvest has now begun, which in a higher degree than elsewhere engages, in Canada, the public attention, far beyond what state affairs can do. Two members of the Legislative Council were present instead of seven; no chief justice appeared, who was to act as Speaker; instead of sixteen members of the Assembly, five only attended, and this was the whole number which could be collected at this time. The law requires a greater number of members for each House to discuss and determine upon any business, but within two days a year will have expired since the last session. The Governor has therefore thought it right to open the session, reserving, however, to either House the right of proroguing the sittings from one day to another; in expectation that the ships from Détroit and Kingston will either bring the members, who are yet wanting, or certain intelligence of their not being able to attend.

"The whole retinue of the Governor consisted in a guard of fifty men of the garrison of the fort. Dressed in silk, he entered the hall with his hat on his head, attended by his adjutant and two secretaries. The two members of the Legislative Council gave, by their Speaker, notice of it to the Assembly. Five members of the latter having appeared at the bar, the Governor delivered a speech, modelled after that of the King, on the political affairs of Europe, on the treaty concluded with the United States, which he mentioned in expressions very favourable to the Union, and on the peculiar concerns of Canada.

Where no taxes are to be settled, no accounts to be audited and examined, and no military regulations to be adjusted, public business cannot occupy much time. But, if even all these points were to be discussed, the business would still be trifling, from want of an opposition; which seems to be precluded by the manner in which the two Houses for Upper Canada are framed. The constitution of this province is well adapted to the present state of the country. The members of both Houses, who bear a share in the administration, are all of them as useful as can be desired, at this period. The influence of the Governor is not useless. And the other necessary arrangements, especially such as may ensure liberty and good order, will, no doubt, be made in the process of time.

"Fort Niagara stands, as has been already observed, on the right bank of the river, on a point, opposite to that of Mississaga, on which Newark is built. It was originally constructed by Mr. de la Tonquiere, three miles nearer to the falls; but was, some years afterwards, transferred to the spot where it now stands, and where Mr. de Denonville threw up an entrenchment. This fort, as well as those of Oswego, Détroit, Miami, and Michilimackinac, are to be surrendered to the Americans*. Fort Niagara is said to be the strongest of these places, having been strengthened with some new works, in the course of last year; especially covered batteries, designed for its protection on the side of the lake and the river. All the breast-works, slopes, &c. are lined with timber. On the land-side, it has a curtain, flanked by two bastions, in each of which a block-house has been constructed, mounted with cannon. Although this fort, in common with all such small fortified places, cannot long withstand a regular attack,

* "All these forts were actually delivered up to the Americans in August, 1796, pursuant to the treaty of 1794."—Tr.

yet the besiegers cannot take it without a considerable loss. All the buildings, within the precincts of the fort, are of stone, and were built by the French.

"With very obliging politeness, the Governor conducted us into the fort, which he is very loath to visit; since he is sure that he shall be obliged to deliver it up to the Americans. He carried us through every part of it, indeed more of it than we wished to see. Thirty artillery-men, and eight companies of the fifth regiment, form the garrison of the fort. Two days after this visit, we dined in the fort, at Major Seward's, an officer of elegant, polite, and amiable manners, who seems to be much respected by the gentlemen of his profession. He and Mr. Pilkington, an officer of the corps of engineers, are the military gentlemen we have most frequently seen during our residence in this place, and whom the Governor most distinguishes from the rest. In England, as in France, the officers of the engineers and artillery are in general the most accomplished among the gentlemen of the army; and their society is consequently preferred. The officers of the fifth regiment, whom we have seen, were well-bred, polite, and excellent companions.

"The communication of the fort with Newark is in winter intercepted for two or three months, by masses of floating ice, carried along by the stream. At times it is free for a few hours only. The Indians attempt, now and then, to cross the river, by jumping from one piece of ice to another. But the number of those, who venture upon this dangerous experiment, is never great.

"Some trifling excursions we made in the environs of the city, and especially a tour of four days, with the Governor, along the banks of the lake, afforded us an opportunity of seeing the interior country. The chief purpose of this journey was, to reach the extremity of the lake. A boat, made of the bark of trees, and designed for the Governor's excursions between Détroit and Kingston, con-

tained the whole company; which consisted of the Governor,* Major Seward, Mr. Pilkington, us three (Mr. de Blacons having left us two days after our arrival in Navy-hall), and Mr. Richard, a young Englishman, who arrived here by the way of the North River, and whom we had already seen in Philadelphia. Twelve *chasseurs* of the Governor's regiment rowed the boat, which was followed by another vessel, carrying tents and provision. We halted at noon to eat our dinner, and in the evening to pitch our tents and sup. In the morning we walked, then breakfasted, and set out to pursue our journey, which was rendered rather unpleasant by a small fall of rain.

"Fortymile-creek was one of the chief objects of our tour. This stream, which intersects, in a straight line, the range of mountains extending from Queen's Town, flows with a gentle fall into the plain; and affords some wild, awful, yet very pleasing prospects among the mountains*. Before it empties itself into the lake, it turns a grist-mill and two saw-mills, which belong to a Mr. Green, a loyalist of Jersey, who, six or seven years ago, settled in this part of Upper Canada.

"This Mr. Green was the constant companion of the Governor on this little journey; he is apparently a worthy man, and in point of knowledge far superior to the common cast of settlers in this neighbourhood. His estate consists of three hundred acres, about forty of which are cleared of wood. He paid one hundred and twenty-five dollars for forty acres, through which the creek flows that turns his mill, on account of the greater value they bear for this reason; the common price being only five shillings per acre. Land newly cleared yields here, the first year, twenty bushels of corn. The soil is good, though not of the most excellent quality. They plough the land after it has produced three or four crops, but not very deep, and

* This is French. These *mountains* are about 300 feet high.—R. G.

never use manure. The price of flour is twenty-two shillings per hundred weight; that of wheat from seven to eight shillings per bushel. The bushel weighs sixty-two pounds upon an average. Labourers are scarce, and are paid at the rate of six shillings a day.

"Respecting the feeding of cattle, the winter is here reckoned at five months and a half, and near the lakes often at six; on the mountains it is a month shorter. A few habitations are scattered over this district. Wheat is here, as well as throughout all Upper Canada, generally sown; but other sorts of grain are also cultivated. Wheat and rye are sown in September; oats, in May; barley, in June; turnips, in July; and potatoes, in May. The hay harvest falls between the 10th of June and the 10th of July. Rye is generally cut about the beginning of July; and wheat in the latter days of the same month; potatoes and turnips are dug up in October and November. Grass is, in general, mowed but once. Cultivated meadows are sown with timothy-grass. The cattle are fed in winter with hay, which is kept either in barns, in Dutch lofts*, or in stacks, after the English manner: the last are very badly made. Until the winter sets in with great severity, the cattle are left to graze in the woods; they tell us that in all parts of Upper Canada the snow lies seldom deeper than two feet. The whole of these observations apply also to the cultivated ground near Lake Ontario and Lake Erie.

"Mr. Green, who has a very numerous family, intends to bring up all his sons to farming, and to build for each of them a mill, either on this or on a neighbouring creek. He grinds the corn for all the military posts in Upper Canada;

* "In this neighbourhood, as well as throughout all the northern parts of the Union, they call a thatched roof of a round, square, or polygonal form, which rests on long posts, but can be raised or lowered at pleasure, a Dutch loft."—*Author.*

where General Simcoe has ordered all the flour of a good quality to be purchased, which shall be offered by millers in larger quantities than six bushels.

"The road from Fortymile-creek to the extremity of the lake, which we travelled on horseback; is one of the worst we have hitherto seen in America. But for our finding now and then some trunks of trees in the swampy places, we should not have been able to disengage ourselves from the morass. Along the road, which is fifteen miles in length, the soil is good; but we scarcely saw four plantations on the bank of the lake. At the very extremity of it, and on the most fruitful soil, there are but two settlements.

"Burlington Bay borders on Lake Ontario. This bay is five miles in length, and communicates with the lake by a strait sixty yards wide; but this communication is interrupted by sand-banks, which, at the extremity of the lake, form a bar, the base of which projects nearly half a mile into the lake. This sole passage excepted, the bay is separated from the lake by an isthmus, from two to four hundred yards broad. At the point where this isthmus begins, on the southern side of the lake, the unnavigable tract is about fifty feet in width. Small vessels are worked up into a small creek in the bay; whence they proceed without any impediment to any other part within its extent. The mountains, which near Fortymile-creek reach close to the lake, but afterwards recede to the distance of five or six miles, approach it again at the extremity of Burlington Bay. Their colour, as well as the quality of the intervening soil between them and the lake, affords ground to suppose, that they once formed its borders, and that the tract of ground, which now separates them from its present bed, and which is covered with very old and beautiful trees, has been formed by alluvia from the waters of the lake. This range of mountains, after having formed an opening, through which a pretty considerable river empties itself into the bay, rejoin, bound the lake for about

a fourth part of its length, and stretch thence towards Lake Huron, in the vicinity of which they divide into different branches, the farther direction of which is not known. The geographical knowledge of this country, as far as it relates to the course of the rivers, the shape of the vallies, and the direction of the chain of mountains, is yet very imperfect. Governor Simcoe is aware of the necessity of its being enlarged and perfected. But, in a newly occupied country, like this, the number of objects necessary to be attended to, is immense.

"During the whole of our excursion we passed through woods, copiously adorned with flowers of the most exquisite hues and fragrance, the names of which we could not learn. The number of fragrant trees, of a size unknown in Europe, was equally great.

"The banks of the lake are rather unhealthy, and intermittent fevers are almost as frequent there as in the district of Genessee. But few surgeons reside in the country; they are not suffered to practise, till after having undergone an examination by a physician, appointed by government. This prevention, which may prove very beneficial in future times, is at present of no avail. For, as very few apply for leave to practise, the most ignorant are admitted without difficulty, if they will only present themselves for admission.

"By one of them I was informed, that the inferior classes of the inhabitants dread their advice in intermittent fevers, because they always prescribe bark; and that poor people, instead of following their advice, have recourse to a sort of magic charm, in which universal confidence is placed in this country. If seized with the ague, they go into the forest, search out a branch of an elm or sassafras, of the last year's growth; fasten to this branch, without breaking it off the tree, a thread, which must not be quite new; tie as many knots, as they think they shall have fits of the fever; and then return home, perfectly convinced

that they shall not experience more fits than they have bound themselves to sustain by the number of knots they have tied. The first discoverers of this arcanum used to make so few knots that the ague would frequently disappoint their hopes, but they who at present practise this superstition tie so many that the febrile matter is generally carried off, before the number of fits comes up to that of the knots.

"A tour along the banks of the lake is extremely pleasant; the prospect of this vast sheet of water is majestic, and the traces of culture, which, upon the whole, has been commenced on the best principles, offer a picture on which both the eye and the mind dwell with equal pleasure. The Governor is a worthy man, amiable and plain. The company was agreeable, and we enjoyed every convenience which can be expected on a journey of this kind. And yet, during the whole time of our residence in Navyhall, where he, as well as every one belonging to him, loaded us with civilities, in a manner the most agreeable, I did not experience one moment of true happiness or real untainted enjoyment.

"I am at a loss to account to myself for the various perceptions which pressed upon my mind, and prevented my feelings from being entirely absorbed by gratitude, and by the pleasing sensations it naturally produces. I love the English more, perhaps, than any other Frenchman; I have been constantly well treated by the English; I have friends among them; I acknowledge the many great qualities and advantages which they possess. I detest the horrid crimes which stain the French revolution, and which destroyed so many objects of my love and esteem; I am banished from France; my estates are confiscated; by the government of my country I am treated as a criminal or corrupt citizen; severed from all I held dear, I have been reduced to extreme, inexpressible misery, by Robespierre, and the rest of the ruffians whom my countrymen

have suffered to become their tyrants; nor are my misfortunes yet consummated,—and yet the love of my country, this innate feeling, now so painful to me, so clashing with my present situation, holds an absolute sway over my soul, and pursues me here more closely than elsewhere. This English flag, under which I am sailing over lakes where the French flag was so long displayed; these forts, these guns, the spoils of France, this constant, obvious proof of our former weakness and of our misfortunes, give me pain, perplex and overpower me to a degree which I am at a loss to explain. The success, last year, obtained by Lord Howe, which the English mention with more frankness, because they suppose our interest to be intimately connected with their's; all these common topics of conversation, which our guests seem to introduce with the best intention, prove more painful to my feelings, as I am necessitated to hide my thoughts, lest I should be deemed a fool by the few in whose eyes I am no Jacobin, no Robespierrian, and because I am, as it were, at cross purposes with myself. And yet it is a sentiment rooted, deeply rooted in my soul, that I would continue poor and banished all the days of my life, rather *than owe my restoration to my country and my estates, to the influence of foreign powers, and to British pride.* I hear of no defeat of the French armies without grief, or of any of their triumphs without my self-love being gratified to a degree which at times I take not sufficient care to conceal. And yet, notwithstanding these feelings, the confession of which may appear ridiculous in my present situation, I cannot discern the period when anarchy shall cease in my ill-fated country, and liberty, regulated by wise and efficient laws, afford happiness at least to those who are not banished; when France shall rest her glory on a safe and lasting foundation.

"I do not know whether those of my friends who shall read these lines will understand my meaning; and whether they will be more able than I am to reconcile these appa-

rently incongruous feelings and perceptions. I have here thrown them together, as I felt and conceived them.

" In addition to the civilities offered here to our small company, Dupetitthouars experienced one of a peculiar complexion, consisting in an offer of lands in Upper Canada, made by Major Seward, who, without expressly stating that he was authorized by the Governor to propose this offer, at least hinted something to that effect. The polite yet peremptory answer returned by Dupetitthouars, at once ended the business.

" The taste for news is not by far so prevalent in Upper Canada as in the United States. Only one newspaper is printed in Newark; and but for the support granted by government, not the fourth part of the expense of the proprietor would be refunded by the sale of his papers. It is a short abstract of the newspapers of New York and Albany, accommodated to the principles of the Governor; with an epitome of the Quebec Gazette. In the front and back of the paper are advertisements. It is a weekly paper; but very few copies are sent to Fort Erie and Détroit. The newspaper press also serves for printing the acts of the Legislature, and the notices and orders issued by the Governor; and this is its principal use. In point of news, the situation of Niagara is by no means convenient, especially in time of war.

" The English ships are not yet arrived from Quebec, and this day is the sixth of July. The intelligence which reached Philadelphia about the time of our departure, has but just been received at Niagara. They tell us that they know nothing, but what they have learned directly from England. What little information we have been able to collect from different quarters, concerning the sentiments of the people, and which we could only now and then obtain, as we should otherwise have given offence by too much inquisitiveness on this head, coincides in representing the nation at large as desirous of tranquillity and

peace. But the American loyalists, who have actually suffered by the war, still harbour enmity and hatred against their native land and countrymen. These sentiments, however, are daily decreasing, and are not shared by the far greater number of emigrants, who arrive from the United States, Nova Scotia, and New Brunswick. There are mal-contents in this country; but their number is small. Several new settlers, who migrate into this province from the United States, falsely profess an attachment to the British monarch, and curse the government of the Union, for the mere purpose of thus wheedling themselves into the possession of lands. The high price of provision, the prohibition of a commercial intercourse, and the protracted delivery of the deeds, by which the property of granted lands is conveyed to the occupiers, form, indeed, grounds of much discontent; but this is by no means of a nature to cause uneasiness to the government, which seems even to doubt its existence, though, in case of a war with the United States, it might render its situation extremely critical.

"The episcopal is the established religion in Upper Canada. In Détroit, however, half of the inhabitants are Roman Catholics; and some families of Quakers, Baptists, and Tunkers, are scattered through the province, though in small numbers.

"A seventh part of the lands is allotted to the support of the Protestant clergy. For the Roman Catholic service nothing is paid, except in Détroit. No church has yet been built, even in Newark. In the same halls, where the Legislative and Executive Councils hold their sittings, jugglers would be permitted to display their tricks, if any should ever stray to this remote country. Our last excursion in the environs of Navyhall, brought us by Queenstown to one of the Tuscarora villages, which stands on the Indian territory, four miles from Navyhall. One of the roads, which lead thither, passes over mountains, that

border upon the falls. This road affords some interesting prospects, such as precipices, dreary recesses, wild romantic scenes as far as the mountains project over the river, still hemmed in between this double range of high rocks. They become truly admirable where the mountains slope towards the plain, which separates them from the banks of the lake; this whole plain, Fort Niagara, the bank of the lake, the lake itself, nay, a part of the opposite bank, bursting at once on your view. The soil seems every where to be of a good quality.

"This Tuscarora village has as dirty and mean an appearance as all the other villages we have hitherto seen; but the inhabitants, being informed of the intended visit of the Governor, had painted themselves with the utmost care, and were dressed in their most fashionable style. They fancied he came to hold an assembly. A booth, covered with green branches, before the door of the habitation of the chieftain, on which the English flag was waving, was the place singled out for the expected solemnity. The inhabitants were rather disappointed, when they learned from the Governor, that he came with no other view but to pay them a visit. He sat down in the booth. The Indians were seated on benches placed in a semi-circular form, and smoked tobacco. As many of the young men as could find room sat at the end, or stood leaning on the rails. General Simcoe and ourselves were in the centre of the semi-circle; women and children were kept at a distance.

"Paterson, an American by birth, whom the Indians took prisoner at the age of ten years, (he is now twenty-five) acted as interpreter to the Governor. All his speeches, like every discourse of the English agents addressed to the Indians, turned on the same subject. He told them also, at this time, that the Yankees were brooding over some evil design against them; that they had no other object in

view but to rob them of their lands; and that their good father (King George), was the true friend of their nation. He also repeated, that the maize-thief (T—— P——) was a rogue and a liar.

"His speech, however, met not with much applause on the part of the Tuscaroras. The Seneca Indians had called here a week before, on their way to Navyhall, and told them that they were going to the Governor; without entering into any particulars respecting the object of their visit. This circumstance led the Tuscaroras to conclude that something very important was in negociation between the Senecas and the Governor, probably tending to the prejudice of their nation; for mistrust, suspicion, and apprehensions, form the prominent features of the policy of the Indians; and it must be confessed that this way of thinking is a very natural consequence of the conduct of the colonists towards them.

"The Governor disclaimed all particular negociations with the Senecas; and, in order to divert them from this opinion, made use of all the compliments and assurances, which he thought any way fitted to flatter their vanity, or allay their fears. He again told them of the Yankees, of the *maize-thief*, and of King George; but all this did not satisfy them. His promise of granting them lands in Canada, if the Yankees should drive them from their homes, made no deeper impression; nothing could brighten that cold, nay gloomy countenance, which they generally preserve while they are treating on business. The extreme care which they employ to conceal their impressions on similar occasions, may either be the effect of a studied dissimulation, the necessity of which they may have learned in their intercourse with the colonists, or merely the result of character and habit. This anecdote, however trifling in itself, shows how easily the jealousy between the different Indian nations is roused; a disposition which, like all the

other foibles of the Indians, both the English and the Americans turn to their advantage.

" There are few Indian villages, where some persons of European descent have not settled, who generally enjoy a considerable share of influence over the tribe. They are commonly people of a very indifferent character, attracted by the idle, extravagant, and drunken habits of the Indians. It is a general remark, that the whites who reside among them are extremely vicious, cruel, and covetous, and the very worst husbands and fathers.

" Intermitting fevers are very frequent in this village. The Indians frequently take the advice of the physician whom the English government appoints, and pays on their account; but they far more frequently take draughts, which they prepare themselves from the juice of herbs. Although the neighbourhood is much infested with rattlesnakes, yet none of the present inhabitants of this village were ever bitten by them. Their remedy, in this case, would consist of salt and water, which they think infallible, and fully sufficient to effect a cure.

" We met on this excursion an American family, who, with some oxen, cows, and sheep, were emigrating to Canada. ' We come,' said they, ' to the Governor,' whom they did not know, ' to see whether he will give us land.' ' Aye, aye,' the Governor replied, ' you are tired of the federal government; you like not any longer to have so many kings; you wish again for your old father' (it is thus the Governor calls the British monarch when he speaks with Americans); ' you are perfectly right; come along, we love such good royalists as you are, we will give you land.'

" On our return from Queenstown we descended in the Governor's boat the noble river Niagara, the banks of which imagination delights to fancy covered with inhabitants, and reclaimed by culture from their present wild

state, and views rich and charming landscapes; but this richness, and these charms, will probably yet, for a considerable time, enchant the eye of fancy alone.

"During our residence in Navyhall, Messrs. Dupetit-thouars and Guillemard took the opportunity of the return of a gun-boat, and made an excursion to York. Indolence, politeness to the Governor, and the conviction that I should meet with nothing remarkable in that place, united to dissuade me from this journey. My friends informed me on their return that this town, which the Governor had fixed upon as the capital of Upper Canada, before he thought of building a capital on the Thames, has a fine extensive road, detached from the lake by a neck of land of unequal breadth, being in some places a mile, in others only six score yards broad; that the entrance of this road is about a mile in width; that in the middle of it is a shoal or sand-bank, the narrows on each side of which may be easily defended by works erected on the two points of land at the entrance, where two block-houses have already been constructed; that this is two miles and a half long, and a mile wide; and that the elevation of the shore greatly facilitates its defence by fortifications to be thrown up on the most convenient points.

"Governor Simcoe intends to make York the centre of the naval force on Lake Ontario. Only four gun-boats are at present on this lake, two of which are constantly employed in transporting merchandise; the other two, which alone are fit to carry troops and guns, and have oars and sails, are lying under shelter until an occasion occurs to convert them to their intended purpose. It is the Governor's intention to build ten similar gun-boats on Lake Ontario, and ten on Lake Erie. The ship-carpenters, who construct them, reside in the United States, and return home every winter.

"There have not been more than twelve houses hitherto

built in York. They stand on the bay, near the river Don. The inhabitants do not possess the fairest character*. One of them is the noted Baty, the leader of the German families, who, according to the assertion of Captain Williamson, were decoyed away by the English, to injure and obstruct the prosperity of his settlement.

" Notwithstanding the navigation of this river, there is a portage of thirty miles between York and Lake Simcoe, by which the merchandise that comes from Lake Huron might reach that place in a straighter line. The barracks, which are occupied by the Governor's regiment, stand on the road, two miles from the town, and near the lake: desertion, I am told, is very frequent among the soldiers.

" In a circumference of one hundred and fifty miles the Indians are the only neighbours of York. They belong to the tribe of the Missassagas. I shall here observe, that all who have visited the Indians in Upper Canada, assure us that Father Charlevoix has delineated their manners with the same exactness and truth, which he has in general displayed in the description of the countries he traversed.

" After a residence of eighteen days at Navyhall, we took leave of the Governor on Friday the 10th of July. He wished us to stay a little longer; but Lord Dorchester's answer had probably reached Kingston by this time; and, notwithstanding the Governor's true politeness and generous hospitality, we were not entirely free from apprehensions of incommoding him.

" I hope that he has been as satisfied with the sincerity and frankness of Mr. Dupetitthouars and myself, as we were with his kindness. As to Mr. Guillemard, I make no mention of him, since, he being an Englishman, his situation is altogether different from our's. We enjoyed in the General's house the most perfect freedom of opinion,

* Nor have they yet mended it.—R. G.

which a man of his distinguished talents will always cherish, and but for which we should not have been able to continue so long at Navyhall as we did.

"Every thing we have seen and heard in this part of Upper Canada renders it, in our judgment, extremely probable that her dependence on England will not be of long duration. The spirit of independence which prevails in the United States, has already gained ground in this province, and will, no doubt, be much increased by a more immediate connexion with the United States. The comparison drawn by the inhabitants of Upper Canada between the price of commodities subject to English duties and customs and the value of the same articles on the opposite shore, will be a sufficient source of envy and discontent. The navigation being carried on by both countries on the same lakes and canals, it will be impossible to prevent the contraband trade; and this cannot but prove highly prejudicial to Great Britain, at least according to the system by which she is guided in the government of her colonies. This contraband trade will be a constant object of dispute between the two states, and will furnish the Governor of Upper Canada with sufficient pretences for commencing and promoting a war. But a contest, the natural consequence of which would be an increase of the price of provision in Canada, far above what it would bear in the United States, could not be a popular war. It would be a repetition of the American war of the stamp-act and of the tea-tax, and would probably be attended with the same consequences.

"The natural order of things at this moment, and the universal disposition of nations, announce the separation of Canada from Great Britain, as an event which cannot fail to take place. I know nothing that can prevent it. By great prosperity and glory, by signal successes in her wars, and by undisturbed tranquillity at home, Great Britain may be able to maintain her power over this country as long

as considerable sums shall be expended to promote its population and prosperity; as long as it shall enjoy the most complete exemption from all the taxes and burthens of the mother country; in fine, as long as a mild government, by resources prompt and well applied, by useful public establishments, not yet existing, and by encouragements held out to all classes and descriptions of citizens, shall convince a people already invited and qualified by a wise constitution, to enjoy all the blessings of liberty, of the advantages of a monarchical government, which in its benevolent projects unites wisdom of conception with rapidity of execution.

"But these conditions are and will hardly be fulfilled. In our time, perhaps soon, Great Britain will lose this bright jewel of her crown. In regard to Canada, she will experience the same fate, as she is likely to share, sooner or later, respecting her possessions in India; as will befall Spain in respect to her Florida and Mexico, Portugal in regard to her Brazil, in short all European powers, respecting such of their colonies at least, as they possess on the continents, unless, enlightened by experience, they shall speedily change the colonial form of government.

"We embarked for Kingston on board the Onondago, one of the cutters which compose the naval force on the lake. This cutter is pierced for twelve six pounders, but carries only six in time of peace. When these vessels are not laden with stores for the King's service, they are freighted with merchandise, for which the merchants either pay freight, or engage to transport in their bottoms an equal quantity of the King's stores.

"The wind was tolerably fair during our passage: this is generally accomplished in thirty-six hours; at times in sixteen; but it took us forty-eight hours. Dead calms are frequent, especially at this time of the year, and last sometimes five days. Scarcely any motion was observable on the waters of the lake. This passage, which is one hun-

dred and fifty miles long, offers no interesting objects; the coast soon disappears from your view, especially in hot weather, when the horizon is clouded with vapours, as when we sailed. Ducks' Islands form, to speak generally, the only trifling danger on this passage. They are three in number, lying in a line; there is no passage for ships either between the coast and the island on the left, or between this and the middle island, on account of the rocks under the water, on which ships would unavoidably be lost. You must pass between the middle island and that on the right, where the water is from four to five miles in width, and sufficiently deep to afford a safe navigation. The only danger to be here encountered might arise from a sudden gust of wind springing up the moment you approach the islands, and driving the ship into one of the dangerous channels. To the best of my knowledge, but one shipwreck has happened here within the memory of man; but no vessel ventures near the islands by night, except when the weather is perfectly fair and clear. A more common and more real danger arises from the storms, which frequently on a sudden arise on the lake, render it even more boisterous than the sea, and cause the ships to labour and strain more severely, on account of the shortness of the waves, bounded by the small extent of the waters. The ships are then in constant danger of being driven on shore, and would hardly be able to avoid it, if the storms lasted longer. But they generally continue only for a short time, especially in summer, and the clearing up of the weather is as sudden as was the coming on of the storms. They are, properly speaking, only violent gales of wind, which in autumn frequently blow two days together, and succeed each other very rapidly. Five or six years ago, a ship was lost, with every hand on board, and instances of this kind are said not to be uncommon at that time of the year. From November until April the navigation is entirely discontinued on the lake.

"During our passage, Lieutenant Earl, who commanded the cutter, and almost all our fellow-passengers, behaved to us in the most civil and obliging manner. The weather was very warm, and had been so for the last eight or ten days. The mercury in Fahrenheit's thermometer stood, at Navyhall, frequently at ninety-two; but on board the vessel, in the cabin, it was only at sixty-four. It is less the intensity of the heat, than its peculiar nature, which renders it altogether intolerable; it is sultry and close, and more so by night than by day, when it is sometimes freshened by a breeze, which is not the case in the night; the opening of the windows affords no relief; you do not perspire, but feel oppressed; you respire with difficulty; your sleep is interrupted and heavy; and you rise more fatigued than when you lay down to rest.

"We had a detachment of the fifth regiment on board. They dressed, before we arrived at Kingston. Eight days before, we had seen the Indians painting their eyes with lamp-black and red-lead, and braiding their hair, to fix in it feathers or horses' manes, dyed red or blue. This day we saw European soldiers plastering their hair, or if they had none, their heads, with a thick white mortar, which they laid on with a brush, and afterwards raked, like a garden-bed, with an iron comb; and then fastening on their head a piece of wood, as large as the palm of the hand, and shaped like the bottom of an artichoke, to make a *cadogan*, which they filled with the same white mortar, and *raked* in the same manner, as the rest of their head-dress.

"This is a brief sketch of the spectacle, which these soldiers exhibited to us, the last two hours of our passage; though their toilette was not exactly the same as that of the Indians, yet they consulted their looking-glass with the same anxious care. These observations are less intended to throw a ridicule on the dress of soldiers, and the childish attention paid to it in all countries, than to check the

forwardness of those, who are ever ready to ridicule all manners and habits, which are not their own. The Indian savage would be at a loss, whether to laugh more at the Turk, who covers his shorn head with a turban, containing more or fewer folds in proportion to his rank and consequence—at the women in the island of Melos, whose petticoats scarcely cover half their thighs, while their sleeves reach down to the ground—or at our *belles*, who ten years ago confined their breasts and waist in huge stays, with false hips, and strutted along on high heels, and who now screw up their waist to the middle of their bosoms, tied round with a girdle, which looks more like a rope than a sash, wear their arms naked up to their shoulders, and by means of transparent garments, expose every thing to view, which formerly they thought themselves obliged to conceal, and all this, forsooth, to resemble Grecian ladies.

Sunday, the 12th of July.

"When Ducks' Islands were about twenty miles a-stern of us, the lake grew more narrow, and the number of islands increased. They seemed all to be well-wooded, but are not inhabited, and lie nearly all of them along the right bank. On the left is Quinté Bay, which stretches about fifty miles into the country, and the banks of which are said to be cultivated up to a considerable extent. The eye dwells with pleasure, once more, on cultivated ground. The country looks pleasant. The houses lie closer than in any of the new settled parts of Upper Canada, which we have hitherto traversed. The variegated verdure of the corn-fields embellishes and enriches the prospect, charms the eye, and enchants the mind. In the back-ground stands the city of Kingston, on the bay of the same name, which the French, in imitation of the Indians, called Catteraque. It consists of about one hundred and twenty or

one hundred and thirty houses. The ground in the immediate vicinity of the city rises with a gentle swell, and forms, from the lake onwards, as it were, an amphitheatre of lands, cleared, but not yet cultivated. None of the buildings are distinguished by a more handsome appearance from the rest. The only structure, more conspicuous than the others, and in front of which the English flag is hoisted, is *the barracks*, a stone building, surrounded with pallisadoes.

"All the houses stand on the northern bank of the bay, which stretches a mile farther into the country. On the southern bank are the buildings belonging to the naval force, the wharfs, and the habitations of all the persons, who belong to that department. The King's ships lie at anchor near these buildings, and consequently have a harbour and road separate from the port for merchantmen. We landed at Port Royal. However *kingly* were the commander and his ship, he took our money. Governor Simcoe expressly desired us not to pay for our passage, as the cutter was a King's ship, and he had amply supplied us with provision. But my friend Dupetitthouars, as well as myself, were so much displeased with the idea of making this passage at the expence of the King of England, that we ventured to offer our money to Captain Earl. Offers of this kind are seldom refused, nor did our's meet with a denial. Yet, it is but justice to add, that Captain Earl is a worthy man, civil, attentive, constantly on the deck, apparently fond of his profession, and master of his business.

"No letter from Lord Dorchester had yet arrived, and it was extremely uncertain when it would arrive. The calculation, made at Kingston, respecting the probable time of the return of an answer, is less favourable than what they made at Niagara. We shall, perhaps, be obliged to wait a week longer. How much time will be lost for our journey, and why? Because Governor Simcoe is not

on good terms with Lord Dorchester; and because he observes the nicest punctuality, from which, in consideration of the letters we brought with us, he might well have departed in this case. Our friend, Mr. Hammond, might have saved us this unpleasant delay, by writing sooner to Lord Dorchester, as I requested him to do. Unfortunately such accidents cannot be foreseen. If they could, how many things should we alter in the course of our life? We must wait. Patience, patience, and again patience.

"Kingston is the place, to which Lord Dorchester wishes that General Simcoe should transfer the seat of government in Upper Canada. In this choice he is, perhaps, in a great measure influenced by the advantage, which he would thus enjoy, of having all the troops, in case of an attack, in the vicinity of Quebec, which is, in his opinion, the only tenable place in Lower Canada. He thinks, that if the seat of the government of Upper Canada were removed to Kingston, which lies nearer to Quebec than any other place, the orders and news, which arrive from Europe, would reach this place with more rapidity and safety, and would also be more rapidly circulated through the province. He further imagines, that the naval stores, sent from Europe, would here be safer, and that the refitting of ships would be cheaper, and with more security erected in Kingston, whither, at all times, they might be sent directly from Quebec, at least more expeditiously, than to any other place on the lake, where the inconvenience of a tedious and uncertain passage must be added to the expence for shifting the cargo on board of another vessel.

"Governor Simcoe, on the contrary, is of opinion, that by the aggregate of his arrangements, the defence of Upper Canada might be easily effected. He adds, that the wealth of the country, which he considers as the necessary result of his projects, will attract the enemy; and that if they should make themselves masters of Upper

Canada, it would be impossible to dislodge them. He also observes, that, in time of war, by the various means of navigation, considerable parties might be easily sent from Upper Canada to every point of the United States, even to Georgia; that Upper Canada is the key of the territories of the Indians: and that thence succours may be easily sent to every part of Lower Canada, which, on the other hand, is not able to send any to Upper Canada, at least not so expeditiously as circumstances might require.

"As to the more rapid circulation of orders and intelligence, and the earlier receipt of them, the Governor allows the truth of these allegations; but answers, that, from the vast extent of Canada, it is extremely improbable, that in case of its being peopled, this territory should be divided only into two governments. He adds, that the best method of peopling such parts of Canada, as have hitherto been explored, would be, to encourage the population of the two extremities, in which case, the prosperity of the centre would be more easily and rapidly attained. He further observes, that in such a case Kingston would become the capital of a new province; and that, in regard to the more difficult and more expensive distribution of ships, no facility and savings, to be obtained under this head, could balance the advantage of uniting in its centre the whole naval force stationed on the lake, and especially in a place where it is most essentially protected against an attack.

"All men seek after reasons or pretensions to enlarge the extent of their authority and power. Here, as every where else, good and bad reasons are alleged in support of a system, of a project, and especially of the interests of self-love. Yet power is also here, as every where else, the best, at least the most decisive of reasons; and if Lord Dorchester should not be able to prevail upon the British government to declare Kingston the capital of Upper Canada, he will, at least, prevent the seat of government

from being established between the lakes Erie, Huron, and Ontario, according to the wish of General Simcoe. As to the project of transferring it to York, he declares himself in a manner by no means favourable to that city; and in this opinion he is joined by all the inhabitants of Kingston, whose displeasure at their city not becoming the capital of the province is greatly increased by the consideration, that, in consequence of this project, their town will cease to be the emporium of the small naval force stationed on this lake. The friends of Kingston further allege against the project, and not without reason, that York is an unhealthy place, and will long remain so, from the nature of the ground which separates the bay from the lake.

"Dupetitthouars, who is a zealous partisan of York, as far as he considers it in the light of an establishment for the navy, cannot help allowing that it has the air of being an unhealthy place. General Simcoe apparently possesses the love and confidence of all the inhabitants and soldiers. But his projects are deemed too extensive, and, above all, too costly, in proportion to the advantages which England is likely to reap from their being carried into effect.

"The merchants on the lake, whose rapacity the Governor is endeavouring to restrain, lay great stress on these two objections, and bestow much praise on Lord Dorchester's profound wisdom and consummate abilities; while, by other accounts, he was formerly an useful man, but is now superannuated.

"Lord Dorchester being an utter stranger to me, I am altogether unqualified to judge of his abilities and talents. I am also unacquainted with the amount of the expense, which the execution of Governor Simcoe's plans may require, and with the resources which England may possess to meet them. But I am clearly of opinion, that Great Britain cannot fail to reap signal advantages from his views and projects, if they should ever be carried into effect; and that they compose a complete system, which, if

properly pursued in all its parts, will do great credit to him who shall execute it.

"But, at the same time, all the information we here obtain on this subject, confirms our opinion that General Simcoe meets with much opposition in his plans; that the jealousy which Lord Dorchester shows in regard to him, and which is the natural result of his age and temper of mind, is carefully kept alive by those who hold places under him; and that, with the exception of grants of land, and other matters of government, in respect to which the Governor is perfectly independent, he can do and enact nothing without the consent of the Governor-General. As to his rooted aversion against the Americans, I have heard it censured even by private soldiers; but he is allowed by all to possess military talents.

"In relating these particulars, which finish the picture of *the man*, I have no other object, but faithfully to draw the character of Governor Simcoe, who, being undoubtedly a man of superior abilities and endowments, deserves to be known*.

"Kingston, considered as a town, is much inferior to Newark; the number of houses is nearly equal in both. Kingston may contain a few more buildings, but they are neither so large nor so good as at Newark. Many of them are log-houses, and those which consist of joiner's work, are badly constructed and painted. But few new houses are built. No town-hall, no court-house, and no prison have hitherto been constructed. The houses of

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"* Governor Simcoe has since left Upper Canada, and returned to England, whence he has been sent to St. Domingo. In that colony he has found no opportunity for displaying his military talents, but has endeavoured to curb the rapacity of the small army in the pay of Great Britain, and by this meritorious conduct excited the hatred both of the French and English, who have gratified it in a dreadful manner."—*Author.*

two or three merchants are conveniently situated for loading and unloading ships; but, in point of structure, these are not better than the rest. Their trade chiefly consists in peltry, which comes across the lake, and in provision from Europe, with which they supply Upper Canada. They act as agents or commissioners of the Montreal Company, who have need of magazines in all places, where their goods must be unshipped.

"The trade of Kingston, therefore, is not very considerable. The merchant ships are only three in number, and make but eleven voyages in a year. Kingston is a staple port. It is situated twelve miles above that point of the river, which is considered as the extremity of the lake. Here arrive all the vessels, which sail up the river of St. Lawrence, laden with provision brought in European ships to Quebec.

"The barracks are constructed on the site of Fort Frontenac, which was built by the French, and levelled by the English. The latter built these barracks about six years ago. During the American war their troops were constantly in motion; and, in later times, they were quartered in an island, which the French call Isle aux Chevreaux (Goats' Island), and which the English have named Carleton, after Lord Dorchester. Fort Frontenac, which was liable to be attacked on all sides, would answer no other purpose but to protect the small garrison, which the French kept there, against the attacks of the Indians and English; a part of the garrison was quartered in Catteraque, for the protection of the French trade. Here were also built, by Mr. de Lasalle, the first French ships which navigated the lake.

"Kingston seems better fitted for a trading town than Newark, were it only for this reason, that the ships, which arrive at the latter place, and are freighted for Lake Erie, pass by the former, to sail again up the river as far as Queen's Town, where the portage begins. Nor is its

position equally advantageous for sharing the trade in provision, with which the lake may one day supply Lower Canada, England, perhaps all Europe, if Upper Canada should ever answer the expectations entertained by Governor Simcoe.

" Kingston is, at present, the chief town of the middle district of Upper Canada, the most populous part of which is that situated on Queen's Bay. This district not only produces the corn requisite for its own consumption, but also exports yearly about three or four thousand bushels. This grain, which, in winter, is conveyed down the river on sledges, is bought by the merchants, who engage, on the arrival of the ships from Europe, to pay its amount in such merchandise as the sellers may require. The merchants buy this grain for government, which pays for it in ready money, according to the market price at Montreal. The agent of government causes a part to be ground into flour, which he sends to the different posts in Upper Canada, where it is wanted; and the surplus he sends to England, probably with a view of raising the importance of the colony in the estimation of the mother country. The price of flour in Kingston, is, at present, six dollars per barrel.

" The district of Kingston supplied, last year, the other parts of Canada with large quantities of pease; the culture of which, introduced but two years ago, proves very productive and successful. In the course of last year, one thousand barrels of salt pork, of two hundred and eight pounds each, were sent from Kingston to Quebec; its price was eighteen dollars per barrel. The whole trade is carried on by merchants, whose profits are the more considerable, as they fix the price of the provision, which they receive from Europe, and either sell in the vicinity, or ship for the remoter parts of Upper Canada, without the least competition, and just as they think proper.

" Although the number of cultivators is here greater than in the district of Niagara, yet the vast quantity of

land under cultivation is not better managed than their's. The difficulty of procuring labourers obstructs agricultural improvements, and encourages them to insist on enormous wages.

"The process of clearing woodlands is here the same as all over America. The husbandmen harrow the cleared ground two, three, or four years successively; during which time wheat is sown. Then they plough, but in a very imperfect manner, and sow pease or oats, and again wheat, and so on, according to the common routine. The land yields, in this state, from twenty to thirty bushels per acre.

"Corn, for the winter, is sown from the beginning of August till the end of September. Snow falls generally in the latter days of November, and remains on the ground until the beginning of April. Under this cover the blade gets up remarkably well; the corn ripens in July, and the harvest begins about the end of that month. For want of reapers, the scythe is made use of, which causes a great waste of corn, that cannot be housed, and merely serves for feeding pigs. Labourers, whose common wages are from three to four shillings (Halifax currency), are paid during the harvest at the rate of one dollar, or six shillings a day. Some farmers hire Canadians for two or three months, to whom they pay seven or eight dollars per month, and find them in victuals. It frequently happens, that these Canadians, who bind themselves by a written contract, meet with people offering them more money than they receive from their masters, which not being allowed to accept, they, of course, grow dissatisfied, and work negligently. They must be procured from the environs of Montreal. Farmers, who have no acquaintance in that country, find it difficult to obtain them; and this difficulty deters many cultivators from recurring to that resource, from which they might else derive considerable advantages. The harvest work is therefore generally performed by the

family: thus the housing of the crops, though it proceeds slowly, is yet accomplished; but the farmer has much additional trouble, and the loss he sustains, by his harvest being less perfect, far exceeds the few dollars, which he would have been obliged to spend in gathering in his crops in a more expeditious manner. The soil, which is but of a middling quality in the vicinity of the town, is excellent about the bay; many farmers possess there to the number of one hundred and fifty acres of land, thoroughly cleared.

"The climate of America, especially that of Canada, encourages the imprudence and covetousness of the farmers. There is no danger here, as in Europe, of the hay rotting, and the grain being spoiled by rains, if not speedily housed*. There seldom passes a day without sun-shine; the sky is seldom entirely overcast; it never rains but during thunder-storms, and this rain never continues longer than two hours†. Grain is, besides, seldom liable here to blights, or any other kind of disease‡.

"The cattle are not subject to contagious distempers; they are numerous, without being remarkably fine. The finest oxen are procured from Connecticut, at the price of seventy or eighty dollars a yoke. Cows are brought either from the state of New York, and these are the finest; or from Lower Canada: the former cost twenty, and the latter fifteen dollars. These are small in size, but, in the opinion of the farmers, better milch-cows, and are for this reason

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* Making hay in Upper Canada is an easy business. I have seen it cut one day, turned next forenoon, and carried into the shed or barn a few hours afterwards. The timothy grass, which abounds, has a long, stout, seed stalk, which renders this short process more safe.—R. G.

† I have known it continue for days in July, 1817, but that summer was more wet than usual—R. G.

‡ In 1817 there was much smut among wheat. Farmers are negligent in preparing their seed.—R. G.

preferred. There are no fine bulls in the country; and the generality of farmers are not sensible of the advantages to be derived from cattle of a fine breed. In summer the cattle are turned into the woods; in winter, that is, six months together, they are fed on dry fodder, namely, with the straw of wheat, rye, or pease, and on most farms with hay cut on swampy ground, but by rich and prudent farmers with good hay. The hay is frequently kept the whole winter within a sort of fence, covered with large branches, through which, however, the snow finds its way; but commonly it is preserved in ricks badly made, and under Dutch hay-sheds. The meadows yield to the quantity of four thousand pounds per acre, but no aftercrop. There is no ready market at which a farmer can sell that part of his cheese and butter, which is not wanted for the use of his family. Of cheese and butter, therefore, no more is made, than the family need for their own consumption. They generally begin in the first days of May to make a provision for the winter. Some few farmers manufacture coarse woollens for their own clothing; the more usual way, however, is to buy the clothes. The farmer is too busy, has too little assistance, and makes his calculations with too little judgment, to engage in such a multiplicity of labours.

"Sheep are more numerous here than in any part of the United States, which we have hitherto traversed. They are either procured from Lower Canada, or the state of New York, and cost three dollars a head. They thrive in this country, but are high legged, and of a very indifferent shape. Coarse wool, when cleaned, costs two shillings a pound. There are few or no wolves*, rattle-snakes, or other noxious animals, in this country.

* The wolves are seldom seen, but are numerous and troublesome. The writer of the Sketches, volume I. page 160, has very properly noticed a monstrous mis-statement as to these in Guthrie's Grammar.

" The farmers make but little maple-sugar, though the woods abound with the trees, from which it is procured. The Indians import about two or three thousand pounds, and sell it to the retail traders for one shilling a pound. Maple-sugar is prepared in much larger quantities in Lower Canada. The Canadians eat it here on bread, or make cakes of it, mixed up with flour of wheat, or Indian corn. On the maple-tree frequently grows a sort of knobs, or fungusses, of a very large size. If these excrescences be torn from the tree, and dried in the sun, they form an excellent tinder, which the Indians and Canadians use to light their pipes. Notwithstanding the great number of pines, no resin has yet been gathered. The culture of hemp and flax has been tried, but hitherto without success; the experiments, however, are continued.

" The price of wheat is one dollar per bushel; last year the price was much lower; but it has risen from the general failure of the harvest. Fire-wood, delivered in the town, costs one dollar a cord; in winter it is conveyed thither in sledges, from all the islands and banks of the river, which are covered with wood.

" The river freezes over at the distance of twenty miles from Kingston.

" The price of land is from two shillings and sixpence

I examined one edition, and found it as spoken of. In the edition published last year by the Stationers' Company of London, two of the gross errors are left out, but two remain. In Brookes's Gazetteer it is said that Canada abounds in coal, while in fact no such thing has yet been discovered. The nearest coal to Canada is in Cape Breton. It is indifferent in quality. Excellent coal is got in plenty at Pittsburg, and elsewhere in the state of Pennsylvania. In the Encyclopedia Britannica, published in 1815, it was said, that " the *falls* in the river St. Lawrence, below Montreal, prevent ships from penetrating to that emporium of inland commerce." There are no falls below Montreal, and ships go up there every year, though Quebec is the better and more convenient port. I make these remarks chiefly to show the importance of having a country described by its own inhabitants.—R. G.

to one dollar per acre, if the twentieth part be cleared. This price rises in proportion to the number of acres cleared of wood, though influenced by occasional circumstances. Two hundred acres, one hundred and fifty of which were cleared, were very lately sold for one thousand six hundred dollars. The expence for cutting down all the large trees on an acre, and inclosing it with a fence as rude as in the United States, amounts to eight dollars.

"There is no regular market in Kingston; every one provides himself with fresh meat as well as he can, but frequently it cannot be had on any terms.

"For this information I am chiefly indebted to Mr. Steward, curate in Kingston, who cultivates himself seventy acres, a part of two thousand acres, which have been granted him as an American loyalist. He is a native of Harrisburg, in Pennsylvania, and seems to have zealously embraced the royal cause in the American war. Fifteen hundred pounds sterling, which he had placed in the American funds, have been confiscated. Although he continues warmly attached to the British Monarch, yet he has become more moderate in his political principles; he has preserved some friends who espoused the cause of the Republic, among whom is Bishop White, of Philadelphia. Mr. Steward is a man of much general information, mild, open, affable, and universally respected; he is very sanguine in his expectation that the price of land will rise, and that he shall then be enabled to portion out his numerous children. Without being a very skilful farmer, he is perfectly acquainted with the details of agriculture, so that I can place implicit confidence on his statements, the truth of which has also been confirmed by other husbandmen.

"The number of farmers is very small about Kingston. By Mr. Steward's report, the agreement between the landowner and farmer is generally made for their joint account, but not always faithfully performed. From his having been imposed upon in such agreements, he leased out last,

year four hundred and thirty acres, which are situated on the bay, and forty of which are cleared, for a yearly rent of one hundred and fifty bushels of grain; on condition that if, at the expiration of three years, his tenant be desirous of acquiring the property of these lands, he must pay him one thousand dollars; in default whereof, he is bound to quit the land, and will consequently lose all the money and labour spent in clearing the ground.

"The clergy of the Episcopal church are the only ministers in Upper Canada, who are paid by government. The members of other religious sects pay their pastors, if they choose to have any. In the district of Kingston are Baptists, Presbyterians, Roman Catholics, and Quakers; but they possess no building devoted to religious worship. Some of the inhabitants of Kingston are American loyalists; but the majority is composed of Scots, English, Irish, Germans, and Dutchmen.

"The emigration from the United States is not considerable; during the last three or four years it has been very insignificant indeed, but gains now, it is asserted, a more promising appearance. This intelligence, which we first received from people attached to the English government, has since been confirmed to us by a great many labourers. These new colonists emigrate most of them from the states of Connecticut, Vermont, and New Hampshire. The emigration from Canada to the United States is far less considerable.

"If any dependence might be placed on the report of persons, who arrived four years ago from the river Mohawk, such families, as are suspected of an attachment to Great Britain, are, in the United States, looked upon rather with an evil eye; but perhaps they give out such reports, merely that they may meet with a better reception in the British possessions.

"The inhabitants of the district of Kingston meddle still less with politics than the people of Newark. No

newspaper is printed in the town; that of Newark is the only one published in Upper Canada, which being a mere imperfect extract from the Quebec Gazette, is here taken in by no one. I know but of two persons who receive even the Quebec paper. As to the interior of the country, no news penetrates into that quarter, a circumstance that excites there very little regret.

" In this district are some schools, but they are few in number. The children are instructed in reading and writing, and pay each a dollar a month. One of the masters, superior to the rest in point of knowledge, taught Latin; but he has left the school, without being succeeded by another instructor of the same learning.

" There are yet but very few surgeons in this district; they, who assume this appellation, contrive to get well paid for their trouble. Excepting intermittent fevers, which are rather frequent in Kingston, the climate is very healthy. The houses, as has already been observed, are built of wood, for reasons which it is extremely difficult to discern. The town is seated on rocky ground; and not the smallest house can be built without the foundation being excavated in a rock, a sort of stone which affords the twofold advantage of being easily cut, and of growing hard, when exposed to the air, without cracking in the frost. The inhabitants allow that, if bricklayers were procured even from Montreal (for there are none in this place), building with stone would be less expensive than with wood. They grant that, in addition to the greater solidity of such buildings, they would afford more warmth in winter, and more coolness in summer; but habit is here, as elsewhere, more powerful than reason. Carpenters' wages amount to sixteen shillings a day; labourers are equally scarce in Newark, and consequently as bad and as dear.

" This district contains no paupers, and, of course, there exist no poor rates; the taxes are managed in the same manner as at Newark.

"The roads at Kingston are much the same as at Newark; they are kept in good repair by ten days' labour, from which none of the inhabitants are excepted, all being obliged to work ten days at the roads. Labouring people complain, and not without reason, that this public burthen has not been assessed in a manner more proportionate to the means of the inhabitants; and calculate, with some degree of discontent, that their ten days' labour is tantamount to a tax of twelve dollars and upwards; for they must also find their own victuals when they work on the roads.

"There is but one church in Kingston, and this, though very lately built, resembles a barn more than a church.

"We had a letter from General Simcoe to the commanding officer in Kingston, who, at our arrival, was Captain Parr, of the sixtieth regiment. Six hours after, the detachment commanded by that gentleman was relieved by another of the same regiment, under the orders of Major Dobson. This circumstance, however, did not prevent Captain Parr from giving us the most obliging proofs of civility and kindness.

"The officers we have seen are well bred and extremely polite. * * *

prove and preserve a country which, sooner or later, is sure to secede from Great Britain, and which, did it remain faithful to the mother country, could not be of real service to it for any length of time.

"These gentlemen further assert, in direct contradiction to General Simcoe's opinion, that the majority of new settlers in Upper Canada, who emigrate from the United States, and who are esteemed loyalists, would certainly assist those States, if they marched any troops into that country*. I am not qualified to form a correct judgment on these opinions, which are perhaps mere effusions of the displeasure of officers obliged to serve at so great a distance from Great Britain†; yet they appear to me not altogether destitute of foundation. But however this may be, all the Canadians we have seen, whether inhabitants of the country or sailors, constantly expressed the utmost satisfaction on meeting with us Frenchmen of old France, and evinced a degree of respect and obligingness, to which we had long been unaccustomed. I cannot say much on the character of this people; all who came under my observation were full of spirit, active, gay, and merry.

"The royal navy is not very formidable in this place; six vessels compose the whole naval force, two of which are small gun-boats, which we saw at Niagara, and which are

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* Events proved this to be a mistake.—R. G.

† "Whether the political opinions of the officers of the sixtieth regiment, alluded to by the Duke, be correctly stated, must be left to these gentlemen to explain. But the supposition that British officers, from a mere dislike to remote garrisons, should censure administration for not abandoning a colony which, in the author's opinion, is 'a bright jewel in the British crown'—'an important conquest,' and the loss of which appears to him 'a public calamity,' is an effusion of Gallic petulance which should not pass unnoticed.—*Translator.*"

I do not think *petulance* moved the author in the least degree. British officers in general do not relish Canada; but now-a-days full pay and Canada are to be preferred to half pay and England.—R. G.

stationed at York. Two small schooners of twelve guns, viz. the Onondago, in which we took our passage, and the Mohawk, which is just finished; a small yacht of eighty tons, mounting six guns, and lastly the Missasaga, of as many guns as the two schooners, which has lately been taken into dock to be repaired, form the rest of it. All these vessels are built of timber fresh cut down, and not seasoned, and for this reason last never longer than six or eight years. To preserve them even to this time requires a thorough repair; they must be heaved down and caulked, which costs at least from one thousand to one thousand two hundred guineas. The expence for building the largest of them amounts to four thousand guineas. This is an enormous price, and yet it is not so high as on Lake Erie, whither all sorts of naval stores must be sent from Kingston, and where the price of labour is still higher. The timbers of the Missasaga, which was built three years ago, are almost all rotten. It is so easy to make provision of ship-timber for many years to come, as this would require merely the felling of it, and that too at no great distance from the place where it is to be used, that it is difficult to account for this precaution not yet having been adopted. Two gun-boats, which are destined by Governor Simcoe to serve only in time of war, are at present on the stocks; but the carpenters who work at them are but eight in number. The extent of the dilapidations and embezzlements, committed at so great a distance from the mother-country, may be easily conceived. In the course of last winter a judicial inquiry into a charge of this nature was instituted at Kingston. The commissioner of the navy and the principal ship-wright, it was asserted, had clearly colluded against the King's interest; but interest and protection are as powerful in the New World as in the Old: for both the commissioner and ship-wright continue in their places.

"Captain Bouchette commands the naval force on Lake Ontario, and is at the head of all the marine establish-

ments, yet without the least power in money-matters. This gentleman possesses the confidence both of Lord Dorchester and Governor Simcoe; he is a Canadian by birth, but entered the British service when Canada fell into the power of England. While Arnold and Montgomery were besieging Quebec, Lord Dorchester, disguised as a Canadian, stole on board his ship into that city, on which occasion he displayed much activity, intrepidity, and courage. It is not at all a matter of surprise that Lord Dorchester should bear in mind this eminent service. By all accounts he is altogether incorruptible, and an officer who treats his inferiors with great mildness and justice.

"In regard to the pay of the royal marine force on Lake Ontario, a captain has ten shillings a day, a lieutenant six, and a second lieutenant three shillings and sixpence. The seamens' wages are eight dollars per month. The masters of merchantmen have twenty-five dollars, and the sailors from nine to ten dollars a month.

"Commodore Bouchette is among those, who most strenuously oppose the project of removing to York the central point of the force on the lake; but his family reside at Kingston, and his lands are situated near that place. Such reasons are frequently of sufficient weight to determine political opinions.

"The desertion among the troops is not so considerable from Kingston, as from the forts Oswego, St. John, Niagara, and Détroit; from all those posts, in short, which lie nearer to the United States. Yet it is pretty prevalent in all the garrisons of British America. We were told by the officers, that the first two or three years after the arrival of the regiment from Europe, no soldier deserts, but that envy and habit soon corrupt their mind. The discipline appears to me more severe in the British service than it ever was in our's; the men are treated with less attention and kindness.

"On Wednesday the 22d of July arrived the long ex-

pected answer from Lord Dorchester. It was of a nature to strike us with amazement—a solemn prohibition, drawn up in the usual form, against coming to Lower Canada. It was impossible to expect any thing of that kind. Mr. Hammond, the English minister to the United States, had invited us himself to visit Canada, and removed the difficulties which, from the report of other Englishmen, I apprehended on the part of the Governor-General, by assuring me that Lord Dorchester had requested him to take it for the future entirely upon himself to grant passports for Lower Canada, as he knew better than the Governor-General the travellers who came from the United States; and that the letters which he should give me would, without previously concerting with Lord Dorchester, secure me from all unpleasant incidents. I could not, therefore, entertain the least apprehension of a refusal, as I had not the smallest reason to suppose that Mr. Hammond, who had loaded me with civilities, would have deceived me on this subject.

" But his Excellency had been pleased to order his Secretary to send me an order of banishment, which he had not even taken the trouble to sign. They told me, by way of consolation, that his Excellency was rather weak of intellect, that he did not do any thing like himself, &c.; that some emigrated French priest might have played me this trick, by his influence over his Lordship's secretary or his mistress; and well may this be the case; for though, heaven be thanked! I have never injured any one, yet I find constantly people in my way, who endeavour to injure me. But be this as it may, a resolution must be taken, and the best of any is to laugh at the disappointment. May it be the only, or at least the most serious frustration of my hopes, which yet awaits me.

" On my arrival in Canada, *my Grace* was overwhelmed with honours, attended by officers, complimented and re-

verenced wherever I made my appearance: and now—banished from the same country like a miscreant!"

Ah! MONSIEUR; had you been a British subject, and a proud one: had you given two years of your life for the good of Canada, and the relief of the English poor: had you engaged the attention of the province from end to end: had you received thanks from many thousands: had you been deserted, betrayed, and insulted by your friends: had you been basely scandalized and imprisoned, merely on the oath of a perjured villain: had you been deprived of your most sacred birth-right—your country's boast, and freedom's panoply: had you been at last mocked with a trial, as illegal as it was shameful: had you consented to such mockery, under the influence of bodily weakness and mental torture: had you been thus thrust out into banishment, like the worst of miscreants:—where would you have found words to express your horror and disgust?

STATUTES

PASSED IN THE SECOND SESSION

OF THE

SECOND PROVINCIAL PARLIAMENT

OF

UPPER CANADA,

MET AT YORK, 1ST JUNE, 1797.

THE HONOURABLE PETER RUSSEL, ESQ. PRESIDENT.

CHAPTER I.

An ACT *for the better securing the Province against the King's Enemies.*

Whereas, the laws now in force against alien enemies may not prove sufficient to secure the tranquillity of the province; Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province;" and by the

Preamble.

Description of persons subject to the provisions of this Act.

authority of the same, That from and after the passing of this Act, no person, of whatever name, character, or description, being an inhabitant, subject, or citizen of, or owing, or professing to owe allegiance to any country, kingdom, state, or commonwealth, now at war against our sovereign Lord the King, or who shall have been an inhabitant, subject, or citizen of, or owing allegiance to any such country, kingdom, state, or commonwealth, within the space of seven years preceding the passing of this Act, except as herein after excepted, shall be permitted to enter, remain, reside, or dwell in any part of this province, under the pains and penalties herein after expressed.

Duty of justices respecting such.

II. *And be it further enacted*, That if any person from and after the passing of this Act, of whatever character or description, being an inhabitant, subject, or citizen of, or owing, or professing to owe allegiance to any country, kingdom, state, or commonwealth, now at war against our sovereign Lord the King, or who shall have been an inhabitant, subject, or citizen of, or owing allegiance to any such country, kingdom, state, or commonwealth, within the space of seven years preceding the passing of this Act (except as hereafter excepted), shall enter, remain, reside, dwell, or be found in any part of this province, it shall and may be lawful for any of His Majesty's justices of the peace to issue his warrant for the apprehension of such person; and upon a due examination of, and finding him to fall within the description, intent, and meaning of this Act, to order him to leave the province within four-and-twenty hours; and in case he shall be found within the limits of this province after that time, it shall and may be lawful to and for any person, with or without warrant, to seize and carry him before any of His Majesty's justices of the peace, who shall commit him to the common gaol of the district, county, or place, where he shall be so found after the expiration of the time aforesaid, for the space of

one month, at the end of which time he shall be again required and ordered by any of His Majesty's justices of the peace, to leave this province within the space of twenty-four hours; and in case he shall again be found within the limits thereof, at the expiration of that time, he shall, upon conviction thereof, before any commissioner of Oyer and Terminer, be deemed and adjudged a felon, and shall suffer death without benefit of clergy.

Exception to persons having licence of residence.

III. *Provided always*, That this Act shall not extend, or be construed to extend, to any person having leave, licence, or authority from the Governor, Lieutenant-Governor, or person administering the government of this province, under his hand and seal, to enter, remain, reside, or dwell, in any part of the said province.

No person to entertain such enemy.

IV. *And be it further enacted*, That if any person now living and residing, or hereafter living and residing, during the continuance of this Act, within the province, shall knowingly receive, entertain, protect, countenance, support, or encourage, any person of whatever name, description, or character, being an inhabitant, subject, or citizen of, or owing allegiance to, or professing to owe allegiance to any country, kingdom, state, or commonwealth, or who shall have been an inhabitant, subject, or citizen of, or owing allegiance to any country, kingdom, state, or commonwealth, within the space of seven years, preceding the passing of this Act, now at war against our sovereign Lord the King, to enter, remain, reside, or dwell in any part of this province, except as before excepted, and shall be duly convicted thereof, in any of His Majesty's courts of record in this province, by indictment or information, he shall be deemed guilty of an high misdemeanour, and subject to the pains and penalties in all cases of misdemeanour imposed and inflicted.

Penalty thereon.

Subject's authority and duty, in the case of suspected persons.

V. *And be it further enacted*, That it shall and may be lawful to and for any of His Majesty's subjects, having reasonable cause to suspect a person of being an inhabi-

tant, subject, or citizen of, or owing or professing to owe allegiance to any country, kingdom, state, or commonwealth, or who shall have been an inhabitant, subject, or citizen of, or owing allegiance to any country, kingdom, state, or commonwealth, within the space of seven years preceding the passing of this Act, now at war against our sovereign Lord the King, peaceably to demand, and he is hereby required to demand of such person, his certificate of permission, leave, licence, or authority to enter into, remain, reside, or dwell in the place where such person shall then and there be, being in the said province; and if, upon such demand, the person so suspected shall not produce and shew to the subject demanding the leave, licence, or authority that he may have, under the hand and seal of the Governor, Lieutenant-governor, or person administering the government, or certificate of permission as aforesaid, he shall forthwith cause his suspicion to be made known upon oath to the nearest magistrate, who shall issue his warrant for the apprehension of the person suspected, to be dealt with as herein before provided.

This Act to be publicly read.

VI. *And be it further enacted*, That this Act shall be openly read in court, by the clerk of the peace or his deputy, on the first day of every session to be held in each and every district of this province, during the continuance thereof. And that the said Act, and the provisions therein contained, shall remain, continue, and be in force for and during the space of two years, and no longer.

Limitation of this Act.

CHAPTER II.

An ACT *to enable the Inhabitants of the Township of York to assemble for the purpose of choosing and nominating Parish and Town Officers.*

CHAPTER III.

An ACT *for securing the Titles to Lands.*

Preamble. Whereas, many persons are possessed of lands in this province, under Land Board certificates and otherwise, by authority of His Majesty's Government, and now hold, or claim to hold the same, either as the original nominees, or as the heirs, devisees, or assignees of the original nominees thereof, of which lands no grants have as yet issued under the great seal of this province, whereby the legal estate and interest thereof is still vested in His Majesty: for the securing of all such persons, in the ownership and possession of such lands, Be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and appointed by virtue of, and under the authority of an act passed in the parliament of Great Britain, entituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province:" and by the authority of the same, that it shall and may be lawful to and for the Governor, Lieutenant-Governor, or person administering the government of this province, at any time during the space of three years from the passing of this act, to issue such and so many commissions, under the great seal of this province, for the Eastern, Midland, and Western Districts, and also for the county of Lincoln, in the Home District, as he shall think proper, to three or more persons, whereof His Majesty's chief justice of this province, or one of the justices of the court of King's Bench, shall be one; which commissioners shall have power and authority, in their respective districts, to hear and determine all applications that shall or may be made to them, by persons

Governor, &c. to appoint Commissioners.

Their authority.

holding, or claiming to hold, lands as aforesaid, for grants thereof, under the great seal of this province, in like manner as the same might be heard and determined by His Majesty's Executive Council.

(The act then goes on, through ten more clauses, to specify how claimants may appear, and be guided: how interested persons may file caveats against these: how aggrieved persons may appeal: how the commissioners are to act in case of mortgage, &c.: ending with a table of fees for the clerk to the commission.)

CHAPTER IV.

An ACT *for regulating the Practice of the Court of King's Bench.*

CHAPTER V.

An ACT *for the further Regulation of the Militia* (Militia may be marched to the assistance of Lower Canada).

CHAPTER VI.

An ACT *to extend the Jurisdiction and regulate the Proceedings of the District Court and Court of Requests.*

CHAPTER VII.

An ACT *for the more easy barring of Dower.*

CHAPTER VIII.

An ACT *to supply the Want of Enrolment of Deeds of Bargain and Sale.*

CHAPTER IX.

An ACT *to enlarge the Time between the Issuing and the Opening of Commissions of Assize and Nisi Prius, in and for the Home District, &c.*

CHAPTER X.

An ACT *for the Regulation of Ferries.*

CHAPTER XI.

An ACT *to increase the Revenue* (by Licences for selling Wine and Spirits), *and to compel the accounting more regularly for the same to the Treasurer of the Province.*

CHAPTER XII.

An ACT *to authorize the Lieutenant-Governor to nominate and appoint certain Commissioners, for the Purposes therein mentioned* (to treat with commissioners of the lower province regarding duties on goods passing from province to province).

CHAPTER XIII.

An ACT *for the better regulating the Practice of the Law* (present practitioners incorporated into a society, empowered to form rules, and none but members of the society to practise, except persons who have been duly admitted to practise at the bar of any of His Majesty's courts in England, Scotland, and Ireland: present practitioners may take one pupil).

CHAPTER XIV.

An ACT *to obviate the Objections that might*

arise from a clerical Error in some of His Majesty's Letters Patent of Grant lately issued (the word "clergyman" must be understood to mean and signify "clergy").

Chapter XV.

An Act *to authorize the apprehending of Felons and others, escaping from any of His Majesty's Provinces and Governments in North America, into this Province* (warrants, issuing within His Majesty's other governments, in North America, against felons escaping therefrom, may be executed within this province, being duly endorsed, security being given to indemnify the province against any expense, and to bring the offender apprehended to trial).

Chapter XVI.

An Act *for making temporary Provision for the Regulation of Trade between this Province and the United States of America, by Land or by Inland Navigation* (by the suspension of an act or ordinance repugnant to the free intercourse with the United States, established by treaty of 1794).

Chapter XVII.

An Act *for the better Division of the County of Prince Edward into Townships.*

STATUTES

PASSED IN THE THIRD SESSION

OF THE

SECOND PROVINCIAL PARLIAMENT,

MET AT YORK, 5TH JUNE, 1798.

CHAPTER I.

An ACT *to ascertain and establish on a permanent Footing the Boundary Lines of the different Townships of this Province.*

CHAPTER II.

An ACT *to repeal an Ordinance passed in the 25th Year of the Reign of his present Majesty, entituled, "An Ordinance concerning Advocates, Attornies, Solicitors, and Notaries, and for the more easy Collection of His Majesty's Revenues, as far as the same relates to Notaries.*

CHAPTER III.

An ACT *to repeal Part of an Act passed in the 37th Year of the Reign of His Majesty, entituled, "An* ACT *to extend the Jurisdiction and regulate the Proceedings of the District Court and Court of Requests; and to make further Provision for the same."*

CHAPTER IV.

An ACT *to extend the Provisions of an Act passed in the second Session of the first Provincial Parliament of Upper Canada, entituled, "An* ACT *to confirm and make valid certain Marriages, heretofore contracted in the Country now comprised within the Province of Upper Canada, and to provide for the future Solemnization of Marriage within the same,"* (Ministers of the Church of Scotland, Lutherans, or Calvinists, authorized to celebrate marriage).

CHAPTER V.

An ACT *for the better Division of this Province.*

CHAPTER VI.

An ACT *to amend Part of an Act passed in the 34th Year of the Reign of His Majesty, entituled, "An* ACT *to establish a superior Court of civil and criminal Jurisdiction, and to regulate the Court of Appeals," and, also, to amend and repeal Part of an Act passed in the 37th Year of the Reign of His Majesty, entituled "An* ACT *for regulating the Practice of the Court of King's Bench," and to make further Provision respecting the same.*

CHAPTER VII.

An ACT *to alter the Method of performing Statute Duty on the Highways and Roads within this Province.*

STATUTES

PASSED IN THE FOURTH SESSION

OF THE

SECOND PROVINCIAL PARLIAMENT,

MET AT YORK, 12TH JUNE, 1799.

CHAPTER I.

An ACT *to revive and continue an Act passed in the first Session of this present Parliament, entituled, "An* ACT *for the better securing the Province against the King's Enemies,* (continued for two years).

CHAPTER II.

An ACT *to continue an Act, entituled, "An* ACT *for securing the Titles to Lands in this Province,* (continued for two years).

CHAPTER III.

An ACT *to provide for the Education and Support of Orphan Children.*

CHAPTER IV.

An ACT *to enable Persons holding the Office of Register to be elected Members of the House of Assembly,* (a Member accepting this office to vacate his seat, but may be re-elected).

CHAPTER V.

An ACT *to ratify, approve, and confirm the provincial Agreement made and entered into by Commissioners on the Part of this Province, and Commissioners on the Part of the Province of Lower Canada.*

STATUTES

PASSED IN THE FIRST SESSION

OF THE

THIRD PROVINCIAL PARLIAMENT

OF

UPPER CANADA,

MET AT YORK, 2D JUNE, 1800.

PETER HUNTER, ESQ.
Lieutenant-Governor.

CHAPTER I.

An ACT *for the further Introduction of the criminal Law of England into this Province, and for the more effectual Punishment of certain Offenders.*

CHAPTER II.

An ACT *for the Regulation of Special Juries.*

CHAPTER III.

An ACT *for the more equal Representation of the Commons of this Province in Parliament, and for the better defining of the Qualification of Electors.*

CHAPTER IV.

An ACT *for the summary Conviction of Persons selling Spirituous Liquor by retail without Licence.*

Chapter V.

An Act *to revive and continue an Act, entituled, "An* Act *to provide for the Appointment of Returning Officers for the several Counties within this Province."*

Chapter VI.

An Act *for making a temporary Provision for the Regulation of Trade between this Province and the United States of America, by Land or by Inland Navigation* (Governor in Council may establish ports of entry, and make regulations).

STATUTES

PASSED IN THE SECOND SESSION

OF THE

THIRD PROVINCIAL PARLIAMENT,

MET AT YORK, 28TH MAY, 1801.

Chapter I.

An Act *to continue an Act passed in the 37th Year of His Majesty's Reign, entituled, "An* Act *for the better securing the Province against the King's Enemies,"* (continued for two years, &c.)

Chapter II.

An Act *for the further Regulation of the Militia of this Province, and for the more effectual*

Punishment of Offenders against the Militia Laws.

CHAPTER III.

An ACT *to empower the Commissioners of the Peace for the Midland District, in their Court of General Quarter Sessions assembled, to establish and regulate a Market in and for the Town of Kingston, in the said District.*

CHAPTER IV.

A BILL *to ratify and confirm certain provisional Articles of Agreement entered into by the respective Commissioners of this Province and Lower Canada, at Quebec, on the 2d Day of February,* 1801, *relative to Duties, and for carrying the same into Effect; and also to continue an Act passed in the 39th Year of His Majesty* (to continue four years).

CHAPTER V.

An ACT *for granting to His Majesty, his Heirs and Successors, to and for the Uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain and other Places* (Cornwall, Johnstown, Newcastle, York, Niagara, Queenston, Fort Erie Passage, Turkey Point, Amherstburgh, and Sandwich, declared ports of entry. Collectors to be appointed by the Governor, &c.; and they may appoint deputies.

Collector's salary £50 per cent. on duties, till the same amount to £100, and no more).

Chapter VI.

An Act *to remove Doubts with respect to the Authority under which the Courts of General Quarter Sessions of the Peace and other Courts have been erected and holden, and other Matters relating to the Administration of Justice done in the several Districts of this Province, and also to fix the Times of holding the Courts of General Quarter Sessions of the Peace in and for the same.*

Chapter VII.

An Act *to authorize the Governor, Lieutenant-Governor, or Person administering the Government, to appoint Inspectors of Flour, Pot and Pearl-Ashes, within this Province* (Inspectors to charge 3d. per barrel for flour, and 1s. for every cask of pot and pearl-ashes inspected).

Chapter VIII.

An Act *to prevent the Sale of Spirituous Liquors and Strong Waters in the Tract occupied by the Moravian Indians on the River Thames, in the Western District* (for the comfort of the Moravian Indians).

Chapter IX.

An Act *the better to adapt the Establishment of the Court of King's Bench to the present Situation of this Province.*

CHAPTER X.

An ACT *to regulate the Statute Labour to be done upon the Roads in the Tract occupied by the Huron Indians, in the County of Essex, in the Western District.*

CHAPTER XI.

An ACT *to prevent the Acts of the Legislature from taking effect from a Time prior to the passing thereof* (by indorsing on every act, immediately after the title, the day, month, and year, when the same was passed).

CHAPTER XII.

An ACT *for granting to His Majesty a certain Sum of Money out of the Provincial Fund, to defray the Payment of the Salaries of the Officers of the Legislative Council and House of Assembly (including the Commissioners to Lower Canada), and to defray the contingent Expenses thereof; and further to appropriate the Supplies and provide for the Payment of the same hereafter* (2255l. 5s. granted).

STATUTES

PASSED IN THE THIRD SESSION

OF THE

THIRD PROVINCIAL PARLIAMENT,

MET AT YORK, 25TH MAY, 1802.

CHAPTER I.

An ACT *the better to ascertain and secure the Titles of Lands.*

CHAPTER II.

An ACT *to provide for the Administration of Justice in the District of Newcastle.*

CHAPTER III.

An ACT *to declare and ascertain the Rates which the Receiver-general shall take and retain to his own Use out of the Monies passing through his Hands, which are subject to the Disposition of the Parliament of this Province.*

CHAPTER IV.

An ACT *to enable the Governor, Lieutenant-governor, or Person administering the Government of this Province, to appoint one or more additional Port or Ports, Place or Places of Entry, within*

this Province, and to appoint one or more Collector or Collectors at the same respectively.

CHAPTER V.

An ACT *for applying a certain Sum of Money, therein mentioned, to make good certain Monies issued and advanced by His Majesty, through the Lieutenant-governor, in pursuance of two several Addresses of the Commons House of Assembly* (£750, to encourage the growth of hemp, and £84. 0*s.* 8*d.* for stationary, &c. for the clerks of parliament).

STATUTES

PASSED IN THE FOURTH SESSION

OF THE

THIRD PROVINCIAL PARLIAMENT,

MET AT YORK, 24TH JANUARY, 1803.

CHAPTER I.

An ACT *to allow Time for the Sale of Lands and Tenements by the Sheriff.*

CHAPTER II.

An ACT *to explain and amend an Act passed in the 41st Year of His Majesty's Reign, entituled,* "*An* ACT *for granting to His Majesty, his Heirs,*

and Successors, to and for the Uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America, as are now paid on Goods and Merchandise imported from Great Britain and other Places, and to provide more effectually for the Collection and Payment of Duties on Goods and Merchandize coming from the United States of America into this Province," and also to establish a Fund for the Erection and Repairing of Light-Houses.

CHAPTER III.

An ACT *to authorize the Governor, Lieutenant-Governor, or Person administering the Government of this Province, to licence Practitioners in Law.*

CHAPTER IV.

An ACT *to declare the Rights of certain Grantees of Waste Lands of the Crown.*

CHAPTER V.

An ACT *to enable married Women, having real estate, more conveniently to alien and convey the same.*

CHAPTER VI.

An ACT *for further altering and amending an Act passed in the 33d year of His Majesty's Reign, entituled, "An* ACT *to encourage the Destroying of Wolves and Bears, in different Parts of this Province."*

CHAPTER VII.

An ACT *to repeal, for a limited time, Part of an Act passed in the 34th Year of His Majesty's Reign, entituled, "An* ACT *for the Regulation of Juries."*

CHAPTER VIII.

An ACT *to authorize the Attornies now practising, or hereafter to be duly admitted to practice, to take such Number of Clerks as therein mentioned* (every attorney may take two clerks, and no more; the attorney and solicitor-general may take three, and no more).

CHAPTER IX.

An ACT *for the better securing to His Majesty, his Heirs, and Successors, the due Collection and Receipt of certain Duties therein mentioned* (inspectors to be appointed by the Governor, &c. as to licences for stills, and selling wine and spirits).

CHAPTER X.

An ACT *to extend the Provisions of an Act passed in the 34th Year of His Majesty's Reign, entituled, "An* ACT *to restrain the Custom of permitting Horned Cattle, Horses, Sheep, and Swine, to run at large."*

CHAPTER XI.

An ACT *the more conveniently to collect the Compensation to the Members of the House of Assembly, for their Attendance in their Duty in*

Parliament, and to repeal Part of an Act passed in the Parliament of this Province, in the 33d Year of His Majesty's Reign, entituled, "An ACT *to authorize and direct the laying and collecting of Assessments and Rates within this Province, and to provide for the Payment of Wages to the House of Assembly* (members, having from the speaker a warrant of attendance, may demand 10*s.* per day from justices, which shall be levied by assessment).

CHAPTER XII.

An ACT *particularizing the Property, real and personal, which, during the continuance thereof, shall be subject to Assessments and Rates, and fixing the several Valuations at which each and every Particular of such Property shall be rated and assessed* (to continue four years).

STATUTES

PASSED IN THE FOURTH SESSION

OF THE

THIRD PROVINCIAL PARLIAMENT,

MET AT YORK, 1ST FEBRUARY, 1804.

CHAPTER I.

An ACT *for the better securing this Province against all seditious Attempts or Designs to disturb*

the tranquillity thereof (see this precious Act at length in the General Introduction).

CHAPTER II.

An ACT *for the exemplary punishment of all and every Person and Persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist, any Soldier to desert His Majesty's Service, or who shall harbour, conceal, receive, or assist any Deserter from such Service.*

CHAPTER III.

An ACT *to repeal certain Parts of an Act passed in the 34th Year of His Majesty's Reign, entituled, "An* ACT *to establish a superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal;" and to authorize His Majesty's Court of King's Bench, in this Province, to regulate certain Fees, Costs, and Charges therein mentioned.*

CHAPTER IV.

An ACT *to repeal so much of an Act passed in the 34th Year of His Majesty's Reign, entituled, "An* ACT *to restrain the Custom of permitting Horned Cattle, Horses, Sheep, and Swine to run at large," as relates to Sheep, and to restrain the Owners of Rams from permitting them to run at large during a certain Time of the Year* (rams not to run at large between the 1st September and 20th December).

CHAPTER V.

An ACT *to promulgate the Provincial Statutes, and also to repeal so much of an Act passed in the 41st Year of the Reign of his present Majesty as relates to printing the Journals* (300l. appropriated to printing all the Acts of the Province, and 80l. a year for the annual printing of the Laws, to be distributed among Members of Parliament, Judges, &c.).

CHAPTER VI.

An ACT *for granting to His Majesty a certain Sum of Money out of the Funds applicable to the Uses of this Province, to defray the Expenses of amending and repairing the public Highways and Roads, laying out and opening new Roads, and building Bridges in the several Districts thereof* (1000l. appropriated. Roads to be pointed out and Commissioners named by the Governor, &c.).

CHAPTER VII.

An ACT *to explain and amend an Act passed in the 43d Year of His Majesty's Reign, entituled,* "*An* ACT *for the better securing to His Majesty, his Heirs and Successors, the due Collection and Receipt of certain Duties therein mentioned.*"

CHAPTER VIII.

An ACT *for granting to His Majesty a certain Sum of Money for the Purposes therein mentioned* (175l. granted for the purchase of the Statute Laws of England).

Chapter IX.

An Act *appropriating a certain Sum of Money annually to defray the Expenses of erecting certain public Buildings to and for the Uses of this Province* (400l. per annum granted: house for the meeting of the Legislature, &c.).

Chapter X.

An Act *for applying a certain Sum of Money therein mentioned, to make good certain Monies issued and advanced by His Majesty through the Lieutenant-Governor, in pursuance of an Address* (303l. 11s. 10½d. granted for Clerks and Officers of Parliament, with stationary, &c.).

Chapter XI.

An Act *for granting to His Majesty a certain Sum of Money, for the further Encouragement of the Growth and Cultivation of Hemp within this Province, and the Exportation thereof* (Governor, &c. to name Commissioners for carrying this into effect, &c. 1000l. granted).

STATUTES

PASSED IN THE FIRST SESSION

OF THE

FOURTH PROVINCIAL PARLIAMENT,

MET AT YORK, 1ST FEBRUARY, 1805.

CHAPTER I.

An ACT *for altering the Time of issuing Licences for the keeping of a House or any other Place of public Entertainment, or for the retailing of Wine, Brandy, Rum, or any other Spirituous Liquors, or for the having and using of Stills for the Purpose of distilling Spirituous Liquors, and for repealing so much of an Act passed in the* 43d. *of His Majesty's Reign, as relates to the Periods of paying into the Hands of the Receiver-General the Monies collected by the Inspector of each and every District throughout this Province for such Licences.*

CHAPTER II.

An ACT *to afford Relief to those Persons who may be entitled to claim Lands in this Province as Heirs or Devisees of the Nominees of the Crown,*

in Cases where no Patent hath issued for such Lands (Commissioners for the execution of this Act to be appointed by the Governor, &c. To continue three years, &c.).

CHAPTER III.

An ACT *to regulate the Trial of controverted Elections or Returns of Members to serve in the House of Assembly.*

CHAPTER IV.

An ACT *to ratify and confirm certain provisional Articles of Agreement, entered into by the respective Commissioners of this Province and Lower Canada, at Montreal, on the 5th Day of July,* 1804, *relative to Duties, and for carrying the same into Effect; and also to continue an Act passed in the* 39*th Year of His Majesty's Reign, and continued by an Act passed in the* 41*st Year of His Majesty's Reign* (to continue four Years).

CHAPTER V.

An ACT *to alter certain Parts of an Act passed in the* 42*d Year of His Majesty's Reign, entituled, "An* ACT *to provide for the Administration of Justice in the District of Newcastle."*

CHAPTER VI.

An ACT *to make Provision for further Appointments of Parish and Town Officers throughout this Province.*

Chapter VII.

An Act *for the Relief of Insolvent Debtors* (Prisoner in execution for debt, not worth five pounds, to receive from the Plaintiff five shillings weekly, so long as he shall be detained in prison for such debt).

Chapter VIII.

An Act *to regulate the curing, packing, and inspection of Beef and Pork* (Inspectors to be appointed by the Governor, &c.: the Inspector's fees 1s. 6d. per barrel, exclusive of cooperage, with 6d. per mile for every mile he has to travel, &c. &c.).

Chapter IX.

An Act *for applying a certain Sum of Money therein mentioned, to make good certain Monies issued and advanced by His Majesty, through the Lieutenant-Governor, in pursuance of two Addresses* (45l. 9s. 8d. for the purchase of hemp-seed, and 229l. 8s. 7d. for contingencies, Clerks of Parliament, &c. &c.).

Chapter X.

An Act *to amend an Act passed in the 44th Year of His Majesty's Reign, entituled, "An* Act *for granting to His Majesty a certain Sum of Money for the further Encouragement of the Growth and Cultivation of Hemp within this Province, and the Exportation thereof"* (50l. per ton to be paid for hemp).

STATUTES

PASSED IN THE SECOND SESSION

OF THE

FOURTH PROVINCIAL PARLIAMENT

OF

UPPER CANADA,

MET AT YORK, 4TH FEBRUARY, 1806.

ALEXANDER GRANT, ESQ. PRESIDENT.

CHAPTER I.

An ACT *to make Provision for certain Sheriffs in this Province* (50l. to be paid to each of six sheriffs: the Act to continue eight years).

CHAPTER II.

An ACT *to repeal an Act passed in the 35th of His Majesty's Reign, entituled, "An* ACT *to regulate the Practice of Physic and Surgery."*

CHAPTER III.

An ACT *to procure certain Apparatus for the Promotion of Science* (400l. appropriated for the purchase of instruments for illustrating the prin-

ciples of natural philosophy, to be deposited in the hands of a person employed in the education of youth).

CHAPTER IV.

An ACT *to repeal an Act passed in the 44th Year of His Majesty's Reign, entituled, "An* ACT *for granting to His Majesty a certain Sum of Money out of the Funds applicable to the Uses of this Province, to defray the Expenses of amending and repairing the Public Highways and Roads, laying out and opening new Roads, and building Bridges in the several Districts thereof," and to make further Provision for the opening and amending the said Roads* (1600l. granted, and the Act to continue two years).

CHAPTER V.

An ACT *to alter and amend an Act passed in the 33d Year of his present Majesty's Reign, entituled, "An* ACT *to provide for the Nomination and Appointment of Parish and Town Officers," and also to repeal certain Parts of an Act passed in the 33d Year of his present Majesty's Reign, entituled, "An* ACT *to authorize and direct the laying and collecting of Assessments and Rates in every District in this Province, and to provide for Payment of Wages to the Members of the House of Assembly."*

CHAPTER VI.

An ACT *to continue an Act passed in the 43d Year of His Majesty's Reign, entituled, "An* ACT

for the better securing to His Majesty, his Heirs and Successors, the due Collection and Receipt of certain Duties therein mentioned."

Chapter VII.

An Act *for applying a certain Sum of Money therein mentioned, to make good certain Monies issued and advanced by His Majesty through the Lieutenant-Governor, in pursuance of several Addresses* (4981. 8s. 5d. for the Commissioners treating with Lower Canada, Clerks of Parliament, &c.).

STATUTES

PASSED IN THE THIRD SESSION

OF THE

FOURTH PROVINCIAL PARLIAMENT

OF

UPPER CANADA,

MET AT YORK, 2D FEBRUARY, 1807.

FRANCIS GORE, ESQ. LIEUTENANT-GOVERNOR.

CHAPTER I.

An ACT *for the Relief of Clerks to Attornies who may have served their Clerkships without being bound by Contracts in Writing.*

CHAPTER II.

An ACT *to repeal the several Acts now in force, giving Bounties for destroying Wolves.*

CHAPTER III.

An ACT *made to regulate the Payment of certain Debts due by the Eastern District before the Establishment of the District of Johnstown.*

CHAPTER IV.

An ACT *to revive and continue an Act passed in the 42d Year of his present Majesty's Reign, entituled, "An* ACT *to enable the Governor, Lieutenant-Governor, or Person administering the Government of this Province, to appoint one or more additional Port or Ports, Place or Places of Entry, within this Province, and to appoint one or more Collector or Collectors at the same respectively."*

CHAPTER V.

An ACT *to authorize Practitioners of the Law in this Province to take such a Number of Clerks as is therein mentioned* (four clerks at one time allowed).

CHAPTER VI.

An ACT *to establish Public Schools in each and every District of this Province* (800l. appropriated, being 100l. to each of eight District schoolmasters: the Governor to appoint trustees for management, and to approve or disapprove of their nomination of teachers).

CHAPTER VII.

An ACT *to repeal the several Acts now in force in this Province relative to Rates and Assessments, and also to particularize the Property, real and personal, which, during the continuance thereof, shall be subject to Rates and Assessments, and fixing the several Valuations at which each and every Particu-*

lar of such Property shall be rated and assessed (to continue four years).

Chapter VIII.

An Act *for applying certain Sums of Money therein mentioned, to make good certain Monies issued and advanced by His Majesty, through his Honour Mr. President Grant, in pursuance of two Addresses* (151l. 2s. 6½d. to Clerks of Parliament and contingencies).

Chapter IX.

An Act *for granting to His Majesty Duties on Licences to Hawkers, Pedlars, and petty Chapmen, and other trading Persons therein mentioned* (for every man travelling on foot 3l.; for every horse, ass, or mule, &c. 20s. over and above the said 3l. Every man sailing with a decked vessel, selling goods on board, 8l. Ditto, with a boat, &c. 5l. Every person not a permanent resident in the Province, 8l. Act to continue four years).

Chapter X.

An Act *for granting to His Majesty, his Heirs and Successors, to and for the Uses of this Province, the like Duties on Goods and Merchandise brought into this Province from the United States of America, as are now paid on Goods and Merchandise imported from the United States of America into the Province of Lower Canada* (to continue for two years).

Chapter XI.

An Act *to establish the Fees of the Clerks of the Peace, and to regulate the Fees in the several Courts of Quarter Sessions throughout this Province.*

Chapter XII.

An Act *for the Preservation of Salmon* (salmon may be taken with a spear or hook and line, but not with a net, in the Newcastle and Home Districts).

STATUTES

PASSED IN THE FOURTH SESSION

OF THE

FOURTH PROVINCIAL PARLIAMENT,

MET AT YORK, 20TH JANUARY, 1808.

Chapter I.

An Act *to explain, amend, and to reduce to one Act of Parliament the several Laws now in being for the raising and training the Militia of this Province.*

Chapter II.

An Act *for granting to His Majesty a certain Sum of Money out of the Funds applicable to the*

Uses of this Province, to defray the Expenses of amending and repairing the public Highways and Roads, laying out and opening new Roads, and building Bridges in the several Districts thereof (1600l. granted).

Chapter III.

An Act *for granting to His Majesty an annual Sum of Money, for the Purpose therein mentioned* (200l. salary to be paid to the Adjutant-General, by warrant of the Governor on the Receiver-General).

Chapter IV.

An Act *for applying certain Sums of Money therein mentioned, to make good certain Monies issued and advanced by His Majesty through the Lieutenant-Governor, in pursuance of an Address* (588l. 0s. 8½d. for Clerks of Parliament and contingencies).

Chapter V.

An Act *to continue an Act passed in the 33d Year of His Majesty's Reign, entituled, "An* Act *to provide for the Appointment of Returning Officers of the several Counties within this Province."*

Chapter VI.

An Act *for granting to His Majesty a certain Sum of Money out of the Provincial Fund, to increase the Salary of the Clerk of the Legislative Council and the Clerk of the House of Assembly*

(75l. to the Clerks of the Legislative Council and House of Assembly, respectively, in addition, to be paid on the Governor's, &c. warrant).

CHAPTER VII.

An ACT *to extend the Benefits of an Act passed in the 37th Year of His Majesty's Reign, entituled, "An* ACT *for the more easy barring of Dower," and to repeal certain Parts of the same.*

CHAPTER VIII.

An ACT *to repeal certain Parts of an Act passed in the 46th Year of His Majesty's Reign, entituled, "An* ACT *to continue an Act passed in the 43d Year of His Majesty's Reign, entituled, 'An* ACT *for the better securing to His Majesty, his Heirs and Successors, the due Collection and Receipt of certain Duties therein mentioned.'"*

CHAPTER IX.

An ACT *for the further Encouragement of the Growth and Cultivation of Hemp within this Province, and for the Exportation thereof* (62l. 10s. per ton to be the price of hemp purchased under Act of Parliament).

CHAPTER X.

An ACT *to continue an Act passed in the 45th Year of His Majesty's Reign, entituled, "An* ACT *to afford Relief to those Persons who may be entitled to claim Lands in this Province as Heirs or Devisees of the Nominees of the Crown, in*

Cases where no Patent hath issued for such Lands," and further to extend the Benefits of the said Act.

CHAPTER XI.

An ACT *for the better Representation of the Commons of this Province in Parliament, and to repeal Part of an Act passed in the 40th Year of His Majesty's Reign, entituled, "An* ACT *for the more equal Representation of the Commons of this Province, and for the better defining the Qualification of Electors."*

CHAPTER XII.

An ACT *for the better regulating the Statute Labour in the Counties of Essex and Kent, in the Western District.*

CHAPTER XIII.

An ACT *for the better Regulation of Special Juries.*

CHAPTER XIV.

An ACT *for the better Regulation of Parish and Town Officers throughout this Province* (collectors of rates to enter into bonds of 200l. security).

CHAPTER XV.

An ACT *for building a Court-House and Gaol in the Township of Elizabeth Town, in the District of Johnstown.*

CHAPTER XVI.

An ACT *to amend an Act passed in the 47th*

Year of His Majesty's Reign, entituled, "*An* ACT *to establish Public Schools in each and every District of this Province.*"

STATUTES

PASSED IN THE FIRST SESSION

OF THE

FIFTH PROVINCIAL PARLIAMENT,

MET AT YORK, 2D FEBRUARY, 1809.

CHAPTER I.

An ACT *for the continuing for a limited Time the provisional Agreement entered into between this Province and Lower Canada, at Montreal, on the 5th July,* 1804, *relative to Duties; also, for continuing for a limited Time the several Acts of the Parliament of this Province now in force relating thereto* (to continue till 25th March, 1811).

CHAPTER II.

An ACT *for quartering and billeting, on certain Occasions, His Majesty's Troops and the Militia of this Province* (householders to furnish them with house-room, fire, and utensils for cooking; officers,

in case of invasion, having warrant from a justice of the peace to impress horses, carriages, and oxen, on regulated hire, &c. &c.).

CHAPTER III.

An ACT *to encourage the destroying of Wolves in this Province* (20s. to be paid for the scalp of every wolf killed within five miles of any inhabited place; but no such reward to be given to Indians).

CHAPTER IV.

An ACT *for the more effectual preventing of frivolous and vexatious Suits, and to authorize the levying of Poundage upon Executions in certain Cases, and to regulate the Sales by Sheriffs and other Officers.*

CHAPTER V.

An ACT *for applying certain Sums of Money therein mentioned to make good certain Monies issued and advanced by His Majesty, through the Lieutenant-Governor, in pursuance of several Addresses* (1045l. 4s. 11d. for Clerks of Parliament, with contingencies, and for the erecting of a light-house on Gibraltar Point).

CHAPTER VI.

An ACT *for the Relief of Menonists and Tunkers, in certain Cases* (allowed to make like affirmation with Quakers, instead of taking an oath, &c.).

CHAPTER VII.

An ACT *for granting a Sum of Money, in Aid of the building a Bridge across the Grand River* (250l. to be applied thus, on warrant from the Governor).

CHAPTER VIII.

An ACT *to repeal and amend certain Parts of an Act passed the 36th Year of His Majesty's Reign, entituled, "An* ACT *for the better Regulation of certain Coins current in this Province, to equalize them to the standard Weight and Value of the like Coins in the Province of Lower Canada."*

CHAPTER IX.

An ACT *for granting to His Majesty a certain Sum of Money out of the Funds applicable to the Uses of this Province, to defray the Expenses of amending and repairing the public Highways and Roads, opening new ones, and building Bridges in the several Districts thereof* (1600l. granted).

STATUTES

PASSED IN THE SECOND SESSION

OF THE

FIFTH PROVINCIAL PARLIAMENT,

MET AT YORK, 1ST FEBRUARY, 1810.

CHAPTER I.

An ACT *to provide for the laying out, amending, and keeping in repair, the public Highways and Roads in this Province, and to repeal the Laws now in force for that Purpose.*

CHAPTER II.

An ACT *for granting to His Majesty a certain Sum of Money out of the Funds applicable to the Uses of this Province, to defray the Expenses of amending and repairing the public Highways and Roads, laying out and opening new Roads, and building Bridges in the several Districts thereof* (2000l. granted).

CHAPTER III.

An ACT *to extend the Provisions of an Act passed in the 47th. Year of His Majesty's Reign, entituled, "An* ACT *for the Preservation of Salmon"* (in the Home District).

CHAPTER IV.

An ACT *for preventing the forging and counterfeiting of foreign Bills of Exchange, and of foreign Notes and Orders, for the Payment of Money.*

CHAPTER V.

An ACT *to declare the common Gaols in the several Districts of this Province to be Houses of Correction for certain Purposes.*

CHAPTER VI.

An ACT *for granting to His Majesty a Duty upon Billiard Tables* (40l. per annum to be paid for keeping a billiard table, to set up for hire or gain).

CHAPTER VII.

An ACT *for applying a certain Sum of Money therein mentioned, to make good certain Monies issued and advanced by His Majesty, through the Lieutenant-Governor, in pursuance of several Addresses of this House* (606l. 16s. 9d. applied to printing Journals, Clerks of Parliament, building Light-house, &c.).

CHAPTER VIII.

An ACT *to amend an Act passed in the 44th Year of His Majesty's Reign, entituled, "An* ACT *for granting to His Majesty a certain Sum of Money, for the further Encouragement of the*

Growth and Cultivation of Hemp within this Province, and the Exportation thereof."

CHAPTER IX.

An ACT *to repeal an Act passed in the 44th Year of His Majesty's Reign, entituled,* "*An* ACT *to repeal certain Parts of an Act passed in the 34th of His Majesty's Reign, entituled,* '*An* ACT *to establish a superior Court of civil and criminal Jurisdiction, and to regulate the Court of Appeal, and to authorize His Majesty's Court of King's Bench, in this Province, to regulate certain Fees, Costs, and Charges therein mentioned.*'"

CHAPTER X.

An ACT *further to extend the Benefit of an Act passed in the 37th Year of His Majesty's Reign, entituled,* "*An* ACT *for the more easy barring of Dower.*"

CHAPTER XI.

An ACT *for the Relief of Minors of the Society of Menonists and Tunkers.*

CHAPTER XII.

An ACT *to authorize the Inhabitants of the County of Haldimand to hold annual Meetings, for the Purpose of electing Town and Parish Officers.*

CHAPTER XIII.

An ACT *for granting an additional Sum of Money for erecting a Bridge across the Grand River* (250l. granted).

STATUTES

PASSED IN THE THIRD SESSION

OF THE

FIFTH PROVINCIAL PARLIAMENT,

MET AT YORK, 1ST FEBRUARY, 1811.

CHAPTER I.

An ACT *for granting to His Majesty a certain Sum of Money, out of the Funds applicable to the Use of this Province, to defray the Expenses of amending and opening the public Highways and Roads, and building of Bridges in the several Districts thereof* (3450l. granted).

CHAPTER II.

An ACT *to repeal an Act passed in the 47th Year of His Majesty's Reign, entituled, "An* ACT *for granting to His Majesty, Duties on Licences to*

Hawkers, Pedlars, and Petty Chapmen, and other trading Persons therein mentioned." And further, for granting to His Majesty Duties on Licences to Hawkers, Pedlars, and Petty Chapmen, and other trading Persons therein mentioned (to continue two years. Every man travelling on foot, 5l.; and 2l. in addition for every beast of burthen: every decked vessel, 12l. 10s.: every boat, 8l.: every person not resident in the province for a year, 10l.).

Chapter III.

An Act *to extend Personal Arrest to the Sum of Forty Shillings, and otherwise to regulate the Practice in Cases of Personal Arrest.*

Chapter IV.

An Act *for applying a certain Sum of Money, therein mentioned, to make good certain Monies issued and advanced by His Majesty, through the Lieutenant-Governor, in pursuance of an Address of this House* (492l. 18s. 10d. for clerks of parliament, contingencies, &c. &c.).

Chapter V.

An Act *to amend and continue, for a limited Time, an Act passed in the 49th Year of His Majesty's Reign, entituled, "An* Act *for continuing, for a limited Time, the provisional Agreement entered into between this Province and Lower Canada, at Montreal, on 5th July,* 1804, *relative to Duties; also for continuing, for a limited Time,*

the several Acts of the Parliament of this Province now in force relating thereto" (to continue till 25th March, 1813).

CHAPTER VI.

An ACT *to amend the Process of the District Courts, and also further to regulate the Proceedings of Sheriffs in the Sale of Goods and Chattels, taken by them in Execution.*

CHAPTER VII.

An ACT *to amend an Act passed in the 48th Year of His Majesty's Reign, entituled, "An* ACT *to explain, amend, and reduce to one Act of Parliament, the several Laws now in being, for the Raising and Training the Militia of this Province."*

CHAPTER VIII.

An ACT *to repeal an Act passed in the 47th Year of His Majesty's Reign, entituled, "An* ACT *to repeal the several Acts now in force in this Province, relative to Rates and Assessments, and also to particularize the Property, real and personal, which, during the continuance thereof, shall be subject to Rates and Assessments, and fixing the several Valuations at which each and every Particular of such Property shall be rated and assessed," and to make further Provision for the same* (to continue four years: sum to be levied not to exceed one penny in the pound).

CHAPTER IX.

An ACT *to repeal an Ordinance of the Province of Quebec, passed in the 17th Year of His Majesty's Reign, entituled, "An Ordinance for ascertaining Damages on protested Bills of Exchange, and fixing the Rate of Interest, in the Province of Quebec:" Also, to ascertain Damages on protested Bills of Exchange, and fixing the Rate of Interest in this Province* (6 per cent. and no more, to be taken).

STATUTES

PASSED IN THE FOURTH SESSION

OF THE

FIFTH PROVINCIAL PARLIAMENT

OF

UPPER CANADA,

MET AT YORK, 3D FEBRUARY, 1812.

ISAAC BROCK, ESQ. PRESIDENT.

CHAPTER I.

An ACT *to prevent Desertion from His Majesty's regular Forces, by granting a Bounty for apprehending Deserters in this Province* (to continue during the present war).

CHAPTER II.

An ACT *for granting to His Majesty a certain Sum of Money, out of the Funds applicable to the Uses of this Province, to defray the Expenses of amending and repairing the public Highways and Roads, and building Bridges in the several Districts thereof* (2000l. granted).

CHAPTER III.

An ACT *to extend the Provisions of an Act passed in the 48th Year of His Majesty's Reign, entituled, "An* ACT *to explain, amend, and reduce to one Act of Parliament, the several Laws now in being for the Raising and Training the Militia"* (to continue till January next, and from thence to the end of the ensuing session of parliament).

CHAPTER IV.

An ACT *to prevent Damage to Travellers on the Highways* (travellers meeting sleds to turn out to the right hand, and give half the road. Two or more bells to be affixed to the harness of every sleigh).

CHAPTER V.

An ACT *for applying a certain Sum of Money, therein mentioned, to make good certain Monies issued and advanced by His Majesty, through the Lieutenant-Governor, in pursuance of an Address of the House of Assembly* (502l. 18s. 7d. allowed, for clerks and contingent expenses of parliament).

CHAPTER VI.

An ACT *for granting to His Majesty a Sum of Money, for the Use of the Militia of this Province* (5000l. to be applied to training militia).

CHAPTER VII.

An ACT *to extend the Provisions of an Act*

passed in the 44th Year of His Majesty's Reign, entituled, "An Act *for granting to His Majesty a certain Sum of Money, for the Purposes therein mentioned."*

Chapter VIII.

An Act *for granting to His Majesty a certain Sum of Money, further to encourage the Growth and Cultivation of Hemp in this Province, and for other Purposes* (1000l. granted for the purchase, sale, and exportation of hemp: 423l. 11s. for the purchase of hemp-seed, and payment of bounties).

Chapter IX.

An Act *to amend an Act passed in the 48th Year of His Majesty's Reign, entituled, "An* Act *to continue an Act passed in the 45th Year of His Majesty's Reign, entituled, 'An* Act *to afford Relief to those Persons who may be entitled to claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown, in Cases where no Patent hath issued for such Lands,' and further to extend the Benefits of the said Act," and to continue Part of the same.*

Chapter X.

An Act *to amend an Act passed in the 50th Year of His Majesty's Reign, entituled, "An* Act *to provide for laying-out, amending, and keeping in Repair the public Highways and Roads in this Province, and to repeal the Laws now in force for that Purpose."*

CHAPTER XI.

An ACT *further to continue an Act passed in the 33d Year of His Majesty's Reign, entituled, "An* ACT *to provide for the appointment of returning Officers of the several Counties within this Province."*

NOTE.

STATUTES, passed in the 1st Session of the 6th Provincial Parliament, wanting.

STATUTES

PASSED IN THE SECOND SESSION

OF THE

SIXTH PROVINCIAL PARLIAMENT,

MET AT YORK, 25TH FEBRUARY, 1813.

ROGER HALE SHEAFFE, ESQ. PRESIDENT.

CHAPTER I.

An ACT *to facilitate the Circulation within this Province, of Army Bills, issued by the Authority of the Province of Lower Canada* (to continue one year, and till the end of the ensuing session, unless peace is declared. Bills to be received in payment by Collectors and Receivers of customs, and at the office of the Receiver-general).

CHAPTER II.

An ACT *to amend and repeal certain Parts of the Militia Law, and also for the transporting Naval and Military Stores* (to continue one year, &c. Justices of the peace to levy fines by distress, and sale of the goods of persons offending against the militia laws).

Chapter III.

An Act *to authorize the Governor, Lieutenant-Governor, or Person administering the Government of this Province, to prohibit the Exportation of Grain and other Provisions, and also to restrain the Distillation of Spirituous Liquors from Grain* (to continue to the end of next session of parliament).

Chapter IV.

An Act *to provide for the Maintenance of Persons disabled, and the Widows and Children of such Persons as may be killed in his Majesty's Service* (a pension of 20l. per annum to such as have wife or child, the same to be continued to wife or child, in case of the disabled person dying; and, to persons disabled, not having wife or child, 12l. per annum: the pension to continue in both cases during disability to earn a livelihood).

Chapter V.

An Act *to prohibit the Sale of Spirituous Liquors to Indians* (to continue one year, and thence to the end of the ensuing session of parliament).

Chapter VI.

An Act *to continue an Act passed in the 52d Year of his Majesty's Reign, entituled, "An* Act *to provide Means for the Defence of the Province, and to make further Provision for the same"* (to continue till the end of next session of parliament).

CHAPTER VII.

An ACT *to repeal an Act passed in the 44th Year of His Majesty's Reign, entituled, "An* ACT *for granting to His Majesty a certain Sum of Money, for the further Encouragement of the Growth and Cultivation of Hemp within this Province, and the Exportation thereof." As also an Act passed in the 52d Year of His Majesty's Reign, entituled, "An* ACT *for granting to His Majesty a certain sum of Money further to encourage the Growth and Cultivation of Hemp in this Province, and for other Purposes."*

CHAPTER VIII.

An ACT *to continue for a limited Time the Provincial Agreement entered into with Lower Canada at Montreal, 5th June,* 1804, *relative to Duties; also for continuing for a limited Time the several Acts of the Parliament of this Province now in force relating thereto* (to continue one year, &c.).

CHAPTER IX.

An ACT *to alter and amend an Act passed in the 48th Year of His Majesty's Reign, entituled, "An* ACT *for the better Regulation of Parish and Town Officers throughout this Province."*

CHAPTER X.

An ACT *to amend an Act passed in the 49th Year of His Majesty's Reign, entituled, "An* ACT

for quartering and billetting on certain Occasions His Majesty's Troops, and the Militia of this Province," and to repeal a Part of the same.

Chapter XI.

An Act *for granting a certain Sum of Money to make good certain Sums of Money issued and advanced by His Majesty through his Honour the President, in pursuance of an Address of the House of Assembly* (88l. 1s. 9d. granted for the Clerks of Parliament, &c.).

STATUTES

PASSED IN THE THIRD SESSION

OF THE

SIXTH PROVINCIAL PARLIAMENT

OF

UPPER CANADA,

MET AT YORK, 15TH FEBRUARY, 1814.

GORDON DRUMMOND, ESQ. PRESIDENT.

CHAPTER I.

An ACT *to repeal Part of the Laws now in force for raising and training the Militia of this Province, and to make further and more effectual Provision for the same* (male inhabitants, from 16 to 60 years of age, considered militia men; but those above 50, not to be called out but on occasions of emergency. Militia not to be ordered out of the province, except for the assistance of Lower Canada, when actually invaded, or in a state of insurrection; or except in pursuit of an enemy who may have invaded this province; and except also for the destruction of any vessel or vessels, built or building, or any depôt or magazine, formed or forming; or for the attack of any enemy who may have been embodied, or marching for the purpose of invading this province, or for the attack of any fortification now erected, or which may be here-

after erected, to cover the invasion thereof. Justices of the peace may impress carriages and horses, 20s. a day to be paid for every carriage with two horses, or oxen, with driver: 15s. for every carriage and two horses or oxen; and every horse employed singly, 7s. 6d. per day; to be paid by a certificate from the officer employing the same to the Collector of customs, and received by the Receiver-general of the province.—Penalty for using traitorous or disrespectful words against His Majesty, or any of the Royal Family—for behaving with contempt or disrespect to the governor, &c. while on duty. Death, or such other punishment as a general court martial shall award, for exciting sedition, or mutiny: punishment for being present at any mutiny, without endeavouring to suppress it, or give information—for deserting to the enemy, death, or as the court decrees. Quakers, Menonists, and Tunkers, to pay 10l. for exemption. The act to continue till the end of next ensuing session of parliament.)

Chapter II.

An Act *to provide for the issuing and circulation of Government Bills* (to continue one year, &c.).

Chapter III.

An Act *for granting to His Majesty a certain Sum of Money out of the Funds applicable to the Uses of this Province, to defray the Expences of amending and repairing the public Highways and Roads, and building Bridges in the several Districts thereof* (6000l. appropriated).

Chapter IV.

An Act *to repeal and amend Part of an Act passed in the 35th Year of His Majesty's Reign, entituled, "An* Act *to ascertain the Eligibility of Persons to be returned to the House of Assembly."*

Chapter V.

An Act *to repeal Part of an Act, and to amend and continue an Act passed in the 51st Year of His Majesty's Reign, entituled, "An* Act *to repeal an Act passed in the 47th Year of His Majesty's Reign, entituled, 'An* Act *for granting to His Majesty Duties on Licences to Hawkers, Pedlars, and petty Chapmen, and other trading Persons therein mentioned, and further, for granting to His Majesty Duties on Licences to Hawkers, Pedlars, and petty Chapmen, and other trading Persons therein mentioned'"* (duties on licences; every traveller on foot 5l., and for every beast 2l. 10s.; for every decked vessel 25l.; for every boat 10l.; for every non-resident 20l. The act to continue two years).

Chapter VI.

An Act *to empower His Majesty, for a limited Time, to secure and detain such Persons as His Majesty shall suspect of a treasonable Adherence to the Enemy* (to continue to the end of next Session of Parliament, or sooner, if war terminates).

Chapter VII.

An Act *laying an additional Duty on Stills*

within this Province (3s. 9d. per gallon on the contents of stills licensed).

CHAPTER VIII.

An ACT *to continue and amend an Act passed in the 53d Year of His Majesty's Reign, entituled, "An* ACT *to authorize the Governor, Lieutenant-Governor, or Person administering the Government of this Province, to prohibit the Exportation of Grain and other Provisions, and also to restrain the Distillation of Spirits from Grain."*

STATUTES

PASSED IN THE FOURTH SESSION

OF THE

SIXTH PROVINCIAL PARLIAMENT,

MET AT YORK, 1ST FEBRUARY, 1815.

CHAPTER I.

An ACT *to grant His Majesty a Sum of Money to provide for amending and repairing the public Highways in this Province* (20,500l. granted, and Commissioners on the roads to have 25l. each, as compensation for services).

CHAPTER II.

An ACT *to repeal an Act passed in the 54th*

Year of His Majesty's Reign, entituled, "An Act *to supply, in certain Cases, the Want of County Courts in this Province, and to make further Provision for proceeding to Outlawry in certain Cases therein mentioned"* (to continue two years).

Chapter III.

An Act *to afford Relief to Barristers and Attornies, and to provide for the Admission of Law Students within this Province, and for other Purposes therein mentioned.*

Chapter IV.

An Act *for granting a Compensation to Thomas Merrit, Esquire, Sheriff of the District of Niagara, for certain extraordinary Services performed by him* (100l. granted).

Chapter V.

An Act *to continue and amend an Act passed in the 51st Year of His Majesty's Reign, entituled, "An* Act *to repeal an Act passed in the 47th Year of His Majesty's Reign, entituled, 'An* Act *to repeal the several Acts now in force in this Province, relative to Rates and Assessments, and also to particularize the Property, real and personal, which, during the Continuance thereof, shall be subject to Rates and Assessments, and fixing the several Valuations at which each and every Particular of such Property shall be rated and assessed, and to make further Provision for the same'"* (to continue four years).

CHAPTER VI.

An ACT *to explain and amend an Act passed in the 53d Year of His Majesty's Reign, entituled, "An* ACT *to provide for the Maintenance of Persons disabled, and the Widows and Children of such Persons as may be killed in His Majesty's Service."*

CHAPTER VII.

An ACT *to exonerate Isaac Swayze, Esquire, from the Payment of certain Monies therein mentioned* (being robbed of 178l. 5s. 8d. public money).

CHAPTER VIII.

An ACT *to provide for the rebuilding and repair of certain Gaols and Court-Houses in this Province* (6000l. for building these in the Western, London, and Niagara Districts: 2000l. each).

CHAPTER IX.

An ACT *to amend an Act, entituled, "An* ACT *to remove Doubts with respect to the Authority under which the Courts of General Quarter Sessions of the Peace, and other Courts, have been erected and holden, and other Matters relative to the Administration of Justice done in the several Districts of this Province, and also to fix the Time of holding the Courts of General Quarter Sessions of the Peace in and for the same."*

CHAPTER X.

An ACT *to license Practitioners in Physic and Surgery throughout this Province* (Governor, &c. to appoint a board of surgeons to examine persons applying for licence: 100l. penalty for practising without licence; but the act not to apply to such as have taken a degree at any University in His Majesty's dominions).

CHAPTER XI.

An ACT *granting Relief to certain Inspectors of Districts* (292l. 2s. 6d. granted, to repay advances on team-work, and apprehension of deserters).

CHAPTER XII.

An ACT *to provide for the Accommodation of the Provincial Legislature, at its next Session* (1500l. granted).

CHAPTER XIII.

An ACT *granting to His Majesty a certain Sum of Money for the Uses of the incorporated Militia of this Province, and other Purposes therein mentioned* (6,000l. granted).

CHAPTER XIV.

An ACT *for applying a certain Sum of Money therein mentioned, to make good certain Monies advanced by His Majesty, through his Honour the President, in pursuance of several Addresses of this*

House (1111. 11s. 7d. to Clerks of Parliament, &c.).

CHAPTER XV.

An ACT *to provide for the Erection of a Monument to the Memory of the late Major-General Sir Isaac Brock* (£1000 granted.).

CHAPTER XVI.

An ACT *to repeal Part of, and to amend an Act of the Parliament of this Province, passed in the 41st Year of His Majesty's Reign, entituled, "An* ACT *to remove Doubts with respect to the Authority under which the Courts of General Quarter Sessions of the Peace, and other Courts, have been erected and holden, and other Matters relative to the Administration of Justice, done in the several Districts of this Province, and also to fix the Time of holding the Courts of General Quarter Sessions of the Peace in and for the same," and to make further Provision for the same.*

CHAPTER XVII.

An ACT *to grant a certain Sum of Money to His Majesty, to enable the Honourable James Baley to pay for a certain Quantity of Hemp delivered to him as Commissioner for the Purchase of Hemp in the Western District* (400l. granted).

CHAPTER XVIII.

An ACT *to incorporate the Midland District School Society.*

STATUTES

PASSED IN THE FIFTH SESSION

OF THE

SIXTH PROVINCIAL PARLIAMENT

OF

UPPER CANADA,

MET AT YORK, 6TH FEBRUARY, 1816.

FRANCIS GORE, ESQ. LIEUTENANT-GOVERNOR.

CHAPTER I.

An ACT *to alter the Time of holding the Courts of General Quarter Sessions of the Peace in the London and Johnstown Districts.*

CHAPTER II.

An ACT *to repeal Part of an Act of the Parliament of this Province, passed in the 38th Year of His Majesty's Reign, entituled,* "*An* ACT *for the better Division of this Province,*" *and more effectually to provide for the Administration of Justice, by constituting the Counties of Prescott and Russell, under certain Modifications, a separate District* (called the District of Ottawa).

CHAPTER III.

An ACT *to repeal Part of, and to amend the Laws now in force for the better Collection of His*

Majesty's Revenue in this Province, and to make further and more effectual Provision for the same.

Chapter IV.

An Act *further to continue an Act passed in the 33d Year of His Majesty's Reign, entituled, "An* Act *to provide for the Appointment of returning Officers of the several Counties"* (to continue four years).

Chapter V.

An Act *to extend the Jurisdiction of the Courts of Requests.*

Chapter VI.

An Act *to provide, for a limited Time, for the Appointment of a Provincial Aide-de-Camp* (to be appointed by the Governor; to have 10s. per day, in war, and 5s. in peace. To continue during the administration of His Excellency, Lieutenant-Governor Gore.)

Chapter VII.

An Act *for making further and more ample Provision for the Adjutant-General of the Militia of this Province* (165l. annually, granted to continue four years).

Chapter VIII.

An Act *to revive and continue an Act passed in the 42d Year of His Majesty's Reign, entituled,*

"*An* Act *to enable the Governor, Lieutenant-Governor, or Person administering the Government of this Province, to appoint one or more additional Port or Ports, Place or Places of Entry, within this Province, and to appoint one or more Collectors at the same respectively*" (to continue four years).

Chapter IX.

An Act *to provide for the Remuneration of the Honourable William Dummer Powell, Esquire, for certain Services rendered to this Province* (1000*l.* granted for ascertaining titles to land).

Chapter X.

An Act *to repeal Part of, and to continue and amend an Act passed in the 54th Year of His Majesty's Reign, entituled, "An* Act *for granting to His Majesty an additional Duty on Shop and Tavern Licences*" (to continue two years, &c.).

Chapter XI.

An Act *to continue and amend an Act passed in the 52d Year of His Majesty's Reign, entituled, "An* Act *to prevent Damage to Travellers on the Highways*" (to continue four years, and repealing the 4th and 6th clauses of the above).

Chapter XII.

An Act *granting Relief to Catharine M'Leod* (because of her son being killed in war).

Chapter XIII.

An Act *granting Relief to Charlotte Overholt* (her husband killed; a peculiar case).

Chapter XIV.

An Act *to extend the Limits of the Town of Niagara, in the District of Niagara.*

Chapter XV.

An Act *to provide for the contingent Expenses of both Houses of Parliament during the last Session, and for other Purposes therein mentioned* (799l. granted).

Chapter XVI.

An Act *to afford Relief to Persons holding or possessing Lands, Tenements, or Hereditaments, in the District of Niagara* (in consequence of deeds, conveyances, wills, &c. being destroyed when the enemy burned the town. The Governor to appoint commissioners to inquire and settle as to these).

Chapter XVII.

An Act *further to continue an Act passed in the 33d Year of His Majesty's Reign, entituled, "An* Act *to provide for the Appointment of returning Officers of the several Counties"* (to continue four years).

Chapter XVIII.

An Act *to repeal Part of, and to alter and amend the Laws now in force for granting Pensions to Persons disabled in the Service, and the Widows and Children of Persons who may have been killed in the Service, and to extend the Provisions of the same* (to continue four years, &c.).

Chapter XIX.

An Act *to authorize and provide for the building a Gaol and Court-House in the Town of York.*

Chapter XX.

An Act *to erect and form a new District out of certain Parts of the Home and Niagara Districts, to be called the District of Gore.*

Chapter XXI.

An Act *granting Relief to several Inspectors* (425l. 4s. 6d. granted for team-work, apprehension of deserters, &c.).

Chapter XXII.

An Act *to revive and continue an Act passed in the 52d Year of His Majesty's Reign, entituled, "An* Act *to continue and amend an Act passed in the 48th Year of His Majesty's Reign, entituled, An Act to continue an Act passed in the 45th Year of His Majesty's Reign, entituled, An Act to afford Relief to those Persons who may be entitled to claim Lands in this Province, as Heirs or Devisees of*

the Nominees of the Crown, in Cases where no Patent hath issued for such Lands, and further to extend the Benefit of the said Act, and to continue Part of the same" (to continue four years, &c.).

CHAPTER XXIII.

An ACT *to increase the Salaries of certain Officers of the Legislative Council and House of Assembly* (470l. granted annually: to continue four years).

CHAPTER XXIV.

An ACT *granting to His Majesty a Sum of Money to remunerate certain Commissioners of Highways in this Province, for certain Sums advanced by them towards the Repair of sundry Highways within the same* (513l. 12s. 6d. granted).

CHAPTER XXV.

An ACT *to appropriate a Sum of Money for providing a Library for the Use of the Legislative Council and House of Assembly* (800l. appropriated for the purchase of books).

CHAPTER XXVI.

An ACT *to continue an Act passed in the 53d Year of His Majesty's Reign, entituled, "An* ACT *to facilitate the Circulation, within this Province, of Army Bills issued by Authority of the Province of Lower Canada," and also to continue a certain other Act passed in the 54th Year of His Majesty's*

Reign, entituled, "An ACT *to facilitate the Circulation, within this Province, of any Bills issued by authority of the Province of Lower Canada."*

CHAPTER XXVII.

An ACT *for granting to His Majesty a Sum of Money towards defraying the Expenses of the Civil Administration of the Government of this Province.*

MOST GRACIOUS SOVEREIGN.

We, your Majesty's most dutiful and loyal subjects, the Commons House of Assembly, of Upper Canada, in provincial parliament assembled, being desirous of manifesting to your Majesty our gratitude for the powerful means which your Majesty sent for our defence, during the late war with the United States of America, by contributing from our humble and very limited revenue towards the support of the administration of the civil government of this province,—beseech your Majesty, that it may be enacted, *and be it therefore enacted,* by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly, &c. &c. (£2500. granted annually).

CHAPTER XXVIII.

An ACT *to increase the Salary of the Speaker of the House of Assembly, and to remunerate the present Speaker for past Services* (800l. granted, as four years' additional salary, and in future 200l. to be paid annually, in addition to the former annual payment of 200l.).

Chapter XXIX.

An Act *for making temporary Provision for the Regulation of Trade between this Province and the United States of America, by Land or Inland Navigation* (Governor to make regulations as to duties; but not to prohibit the admission of wheat, flour, peas, beans, oats, barley, corn, and all other articles of provision, and travellers' baggage: to continue until the end of next session).

Chapter XXX.

An Act *to continue, for a limited Time, the provisional Agreement entered into between this Province and Lower Canada, at Montreal, 5th July,* 1804, *relative to Duties; also for continuing, for a limited Time, the several Acts of the Parliament of this Province, relative thereto* (to continue one year beyond the time limited, and from thence till the end of next session).

Chapter XXXI.

An Act *to appropriate a Sum of Money for the Remuneration of Elizabeth Wright* (155l. 7s. 3d. granted for militia clothing, made up by her husband, a tailor).

Chapter XXXII.

An Act *to amend an Act passed in the 48th Year of His Majesty's Reign, entituled, "An* Act *to explain, amend, and reduce to one Act of Parliament, the several Laws now in being for the Raising and Training the Militia of this Province."*

CHAPTER XXXIII.

An ACT *granting to His Majesty a Sum of Money, to be applied for the encouragement of the Cultivation of Hemp* (1000l. appropriated. The Governor to appoint Inspectors; and every person raising five quintals of hemp for ropes, to have 20s. per quintal, bounty).

CHAPTER XXXIV.

An ACT *to regulate the Police within the Town of Kingston.*

CHAPTER XXXV.

An ACT *for granting to His Majesty Duties on Licences to Hawkers, Pedlars, and Petty Chapmen, and other trading Persons therein mentioned* (to continue two years. Licence to a person travelling on foot, 10l.—for every horse, ass, mule, or other beast bearing or drawing burden, 10l.—yearly: for every other beast he shall so travel with, the further sum of 5l.: for every decked vessel, 50l.: for every boat, &c. 40l.: and every person not being a natural born subject of his Majesty, or a subject of his Majesty, naturalized by Act of the British Parliament, or a subject of his Majesty, become such by the conquest and cession of the province of Quebec, and not having become a householder, by permanent residence in any town or township within this province, for and during the space of twelve months, shall, for every such licence as aforesaid, pay the sum of 50l.

Not to prohibit British subjects from selling leather, hollow-ware, farming utensils, or any printed papers, published by authority, they being the growth, produce, or manufacture of this province; nor to hinder any person or persons, who are the real makers of any goods, wares, or merchandise of the manufactory of this province, or his, or her, or their children, apprentices, agents, or servants to such real workers or makers of such goods, wares, or manufactures [they being subjects as above], only from carrying, exposing to sale, or selling by retail or otherwise, any of the said goods, wares, or manufactures of his, her, or their own making, in any part of this province: nor any tinkers, coopers, glaziers, harness-menders, or any other persons usually trading in mending kettles, tubs, household goods, or harness whatsoever, from going about, and carrying with him, her, or them, proper materials for mending the same, without having a licence as aforesaid, they being subjects as before recited: nor to prohibit hucksters, or persons having stalls or stands in the markets in the towns within this province, from selling, or exposing to sale, without having a licence as aforesaid, any fish, fruit, victuals, or goods, wares, and merchandise, in such stalls or stands, they being British subjects as aforesaid, and complying with such rules and regulations of police, as by the justices in their general quarter sessions of the peace, or by any other authority are, or may be, established in such towns, respecting such stalls and stands. To continue two years).

CHAPTER XXXVI.

An ACT *for granting to His Majesty a Sum of Money, and to provide for the Appointment of a Provincial Agent* (the Governor to appoint an agent on behalf of the province, to reside in Great Britain, and correspond with the Governor and the Speakers of the Legislative Council and Assembly; and to have a yearly salary of 500l.: to be removed on addresses from the Legislative Council and Assembly).

CHAPTER XXXVII.

An ACT *granting to His Majesty a Sum of Money, to be applied to the Use of Common Schools throughout this Province, and to provide for the Regulations of said Common Schools* (passed 1st April, 1816).

MOST GRACIOUS SOVEREIGN,

Whereas it would be conducive to the happiness of the inhabitants, and general prosperity of this province, to encourage the education of youth in common schools; we, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada in provincial parliament assembled, most humbly beseech your Majesty that it may be enacted, *and be it enacted* by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, entituled, 'An *Act* for making more effectual provision for the government of the Province of Quebec, in North America, and to make further

Preamble.

provision for the government of the said province,'" and by the authority of the same, That for the establishment of common schools in each and every district of this province, there shall be annually paid, during the continuance of this act, the sum of 6,000*l.* in manner hereinafter mentioned, out of any monies which are now raised or levied, or which hereafter may be raised or levied by the authority of parliament, to or for the uses of this province; of which said sum of 6,000*l.* there shall be paid annually to the Home District 600*l.*; to the District of Newcastle 400*l.*; to the Midland District 1000*l.*; to the District of Johnstown 600*l.*; to the Eastern District 800*l.*; to the District of London 600*l.*; to the District of Gore 600*l.*; to the Niagara District 600*l.*; to the Western District 600*l.*; to the District of Ottawa 200*l.*

6,000*l.* to be annually paid for schools.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall and may be lawful for the inhabitants of any town, township, village, or place, to meet together for the purpose of making arrangements for common schools in such town, township, village, or place, on or before the first day of June in the present year, and on the first day of June in each and every year during the continuance of this act.

Inhabitants to meet and arrange.

III. *And be it further enacted by the authority aforesaid,* That so soon as a competent number of persons as aforesaid shall unite and build or provide a school-house, engage to furnish twenty scholars or more, and shall in part provide for the payment of a teacher, it shall and may be lawful for such persons as aforesaid, or the majority of them, giving eight days previous notice thereof, to meet at some convenient place appointed for that purpose, and it shall and may be lawful for such persons as aforesaid, and they are hereby required to appoint three fit and discreet persons trustees to the said common school, who shall have power and authority to examine into the moral character and capacity of any person willing to become

Three trustees to be appointed, with power to appoint a teacher.

teacher of such common school, and being satisfied of the moral character and capacity of such teacher, to nominate and appoint such person as the teacher of said common school.

IV. *Provided always nevertheless, and be it enacted by the authority aforesaid,* That no person shall be appointed teacher to such common school, unless such person is a natural born subject of his Majesty, or a subject of his Majesty naturalized by act of the British parliament, or a subject of his Majesty having become such by the conquest and cession of the province of Quebec, or by having taken the oath of allegiance to his Majesty.

Teacher must be a subject of his Majesty, or take the oath of allegiance.

V. *And be it further enacted by the authority aforesaid,* That the said trustees, or the majority of them, shall have power and authority, under the provisions hereinafter mentioned for that purpose, in their discretion to remove such teacher as aforesaid from his school, for any misdemeanor or impropriety of conduct, and if shall and may be lawful for the said trustees, or the majority of them, in case of demise, dismissal, or removal of any teacher as aforesaid, to nominate and appoint, as often as the case may require, one other fit and discreet person as aforesaid to become such teacher as aforesaid. *Provided always nevertheless,* that no teacher of any common school, under the provisions of this act, shall be removed or dismissed from his said school, unless the Board of Education hereinafter appointed in each and every district of this province, sanction the removal or dismissal.

Trustees may remove a teacher, and appoint another, but this only if sanctioned by the Board of Education.

VI. *And be it further enacted, by the authority aforesaid,* That the trustees appointed under and by virtue of this act to any common school as aforesaid, or the majority of them, shall have power and authority to make rules and regulations for the good government of the said common schools, with respect to the teacher for the time being, and to the scholars, as in their discretion shall seem meet, and that it shall and may be lawful for the said trustees, and

Trustees to make rules, and repeat to the Board of Education what books used, which the Board may forbid, and rescind the rules.

they are hereby required to report to the District Board of Education hereinafter to be appointed, the books used, with the rules and regulations used in the said schools, once in every three months: *Provided always*, that it shall and may be lawful for the said District Board of Education, on such reports as aforesaid being received, to order and direct such books, or any of them, not to be used in the said schools, and to rescind the said rules and regulations, or any part of them, if it should be deemed expedient, giving sufficient notice thereof to the said trustees, who shall warn the subscribers to the said school to provide other books for the tuition of the said scholars, and to make such other alterations, rules, or regulations, in the said schools, as they shall deem necessary, in order that there may be a more uniform system of education throughout the province.

Subscribers may be sued.

VII. *And be it further enacted by the authority aforesaid*, That all engagements, contracts, or subscriptions entered into by the subscribers to any common schools in any district of the province, with any person or persons, for the erecting, building, or keeping in repair any school-house for the purpose aforesaid, or the payment of the teacher thereto; such subscriber, or subscribers, shall be liable to be sued for their subscription, by the said trustees to such common schools, or their successors in office, in any court of this province having competent jurisdiction.

Trustees to report the state of schools to the Governor, to be laid before the Legislature.

VIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the trustees of the common schools in each and every district of this province, and they are hereby required, once in each and every year, to report to the Board of Education, for that purpose hereinafter appointed, in each and every district of this province, the state of the common schools, which such trustees aforesaid shall have the direction of, the number of scholars, the state of education, with the different branches taught in the said school, and all other matters

and things that may tend to cherish the prosperity of the said common schools, or that may in any wise benefit the same, in order that the said Board of Education may report the state of the district common schools to the governor, lieutenant-governor, or person administering the government, that the same may be laid before the legislature at its first meeting for their inspection.

Governor to appoint a board of education in each district.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the governor, lieutenant-governor, or person administering the government, to appoint not more than five fit and discreet persons to compose a Board of Education in each and every district of this province, three of whom shall be a quorum, who shall have full power to superintend such common schools in the districts for which they are appointed, and shall annually report to the governor, lieutenant-governor, or person administering the government, the state of the said common schools, to be laid before the legislature at their meeting.

Monies to be apportioned to the teachers.

X. *And be it further enacted by the authority aforesaid,* That the monies granted by this act shall be apportioned to the teachers of the several common schools in each and every district of this province, to be paid to the teachers yearly, or half yearly, as may be directed by the said trustees, in proportion to the number of scholars educated in such school as aforesaid.

Teachers with certificate to be paid by treasurer.

XI. *And be it further enacted by the authority aforesaid,* That the teachers of such common schools established as aforesaid in any town, township, village, or place, in each and every district of this province, producing a certificate signed by the trustees of any such common schools, stating his having well demeaned himself as teacher of the said school, for six months, with the number of scholars educated in the said school, being not less than twenty, in such school aforesaid, it shall and may be lawful for the treasurer of the district to pay to such teacher his propor-

tion of any sum or sums of money that may be granted by the legislature of this province for common schools in the respective districts thereof during the continuance of this act.

District board to purchase books.

XII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the district boards to be appointed in each and every district in this province, to apply such part of the money hereby granted to the several districts, not exceeding one hundred pounds, as they shall see fit for the purchase of proper books for the use of the said common schools, and after having purchased such books, to cause the same to be distributed for the use of such schools, in such manner as to them shall seem meet.

Board to proportion money not exceeding 25l. to a school, &c.

XIII. *And be it further enacted by the authority aforesaid*, That the board of education to be appointed by virtue of this act, in each and every district in this province, shall have full power and authority to proportion the sums of money for the common schools of the said district, and after proportioning the same to each of the said schools, to send to the treasurer of the said district, a copy thereof, in order that the treasurer aforesaid may discharge the certificates granted to the teacher as aforesaid. *Provided always*, that no allowance to any common school in each and every district of the province, shall exceed the sum of 25l. annually. *Provided always nevertheless*, that no allowance whatever shall be paid to the teacher of any common school, in any district of this province, unless the trustees of the said common schools report to the Board of Education, agreeably to the provisions of this act.

When two adjoining districts make a school the trustees may make returns.

XIV. *And be it further enacted by the authority aforesaid*, That when two adjoining districts may find it convenient to compose such schools as aforesaid, a portion of the scholars of which may reside in each district, that the trustees of such school shall have full power to make the

necessary returns as are required by this act, and receive an equal proportion of the monies so granted for the support of such schools from each of the respective districts, in proportion to the number of scholars sent to the said school from each district.

The sums granted paid by the Receiver General, &c.

XV. *And be it further enacted by the authority aforesaid,* That the several sums hereby granted to the several districts of this province, shall be paid by the receiver general of this province to the treasurer of each district respectively, in discharge of such warrant or warrants as shall from time to time be issued by the governor, lieutenant-governor, or person administering the government of this province, and shall be accounted for by the receiver general to his majesty, his heirs or successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs or successors shall be graciously pleased to direct.

Continuation of this act.

XVI. *And be it further enacted by the authority aforesaid,* That this act shall be and is hereby declared to be in force for and during the term of four years.

CHAPTER XXXVIII.

An ACT *to grant to His Majesty a Sum of Money, to amend and repair the public Highways and Roads in this Province, and to build and repair Bridges in the several Districts thereof* (21,000l. granted).

CHAPTER XXXIX.

An ACT *to appropriate a Sum of Money, to defray the Expenses of any Commission for ascertaining Titles to Lands in Niagara District, which shall or may be authorized by any Act of Parliament of this Province* (100l. granted).

CHAPTER XL.

An ACT *to repeal and amend Part of an Act passed in the 50th Year of His Majesty's Reign, entituled, "An* ACT *to provide for the laying out, amending, and keeping in repair, the public Highways and Roads in this Province, and to repeal the Laws now in force for that Purpose."*

STATUTES

PASSED IN THE FIRST SESSION

OF THE

SEVENTH PROVINCIAL PARLIAMENT,

MET AT YORK, 4TH FEBRUARY, 1817.

CHAPTER I.

An ACT *to provide for the Representation of the Commons of the Counties of Wentworth and Halton, in Parliament.*

CHAPTER II.

An ACT *to establish a Police in the Towns of York, Sandwich, and Amherstburgh.*

CHAPTER III.

An ACT *granting to His Majesty a Sum of Money, for certain Purposes therein mentioned.*

The Administration of Justice . . .	£2578
Lieutenant-Governor's Office . . .	900
Receiver-General's Office	737
Surveyor-General's Department . . .	2300
Executive Council Office	650
Crown Office	36
Attorney-General's Office	90
Secretary's Office	400
Register of the Province	200
Inspector-General's Office	620
Pensions to wounded Officers . . .	620
Four Clergymen	400
One Minister of the Gospel	50
Repairs, &c. of the Government-House	200
Casual and incidental Expenses . . .	500

CHAPTER IV.

An ACT *to establish a Market in the Town of Niagara, in the Niagara District.*

CHAPTER V.

An ACT *to repeal Part of, and amend an Act passed in the 56th Year of His Majesty's Reign, entituled, "An* ACT *to repeal Part of, and to alter and amend the Laws now in force, for granting Pensions to Persons disabled in the Service, and the Widows and Children of Persons who may have*

been killed in the Service, and to extend the Provisions of the same.

CHAPTER VI.

An ACT *to make good certain Monies issued and advanced by His Excellency the Lieutenant-Governor, in pursuance of several Addresses during the last Session* (1576l. 0s. 8d. granted for clerks and contingencies last Session of Parliament, &c.).

CHAPTER VII.

An ACT *to repeal Part of, and alter and amend an Act passed in the 33d Year of His Majesty's Reign, entituled, "An* ACT *to provide for the Nomination and Appointment of Parish and Town Officers."*

CHAPTER VIII.

An ACT *further to continue an Act passed in the 46th Year of His Majesty's Reign, entituled, "An* ACT *to make Provision for certain Sheriffs in this Province, and also to extend the Provisions of the said Act"* (to continue four years, &c.).

CHAPTER IX.

An ACT *to enable the Commissioners of Gaol Delivery and Oyer and Terminer to proceed, although the Court of King's Bench be sitting in the Home District, for which they are commissioned.*

The following extract from the Kingston Gazette gives an account of the termination of this session.

" On the 7th of April, 1817, the provincial parliament of Upper Canada was prorogued.

" This sudden and unexpected step was taken in consequence of the Commons House of Assembly, having on Thursday, the 3d of April, after fifteen days notice, resolved itself into a committee of the whole, to take into consideration the present state of the province. The subjects proposed to be discussed, were,

" 1st. The propriety and expediency of preventing emigration from the United States.

" 2d. The post office establishment.

" 3d. The crown and clergy reserves.

" 4th. The granting of lands to the volunteer flank companies, and the incorporated militia who served during the late war.

" On that day (Thursday), it was unanimously resolved, as a parliamentary step towards obtaining the necessary information, that an humble address be presented to his Excellency the Lieutenant-Governor, requesting him to inform this House whether any orders have been received from his Majesty's government at home, making an allotment of lands to the volunteer and incorporated militia who served during the late war.

" After which *Mr. Nichol* proposed the following resolutions on the first and third subjects, and No. 1 was adopted. The Committee then rose, reported their resolutions, and asked leave to sit again on Saturday. On that day the investigation of the subject was resumed, and after a great deal of debate, Nos. 2 and 3 were adopted.

" When the 4th was proposed, several members who had voted for the adoption of the other two, stated that they could not in justice to themselves support this reso-

lution, without first examining and being convinced that the acts 13th George II. and 30th George III. were still in force, as therein stated, and particularly so, as several members seemed to doubt that fact.

" The question being put, was lost by the casting vote of the chairman, Mr. Cameron.

" The Committee then rose, reported the two resolutions adopted, and asked leave to sit again on Monday. The Speaker resumed the chair, and on the question for receiving the report, the House divided, and the yeas and nays were as follows.

" *Yeas.* M'Donnell, M'Martin, Cameron, Jones, Howard, Casey, Robinson, Nellis, Secord, Nichol, Burwell, M'Cormic, Cornwall—13.

" *Nays.* Van Coughnet, Chrystler, Fraser, Cotter, M'Nabb, Swayze, and Clench—7.

" Carried by a majority of six.

" On Monday, 7th April, at 11 o'clock, A. M. before the minutes of the former day were read, and without any previous notice, the Commons, to the great surprise of all the members, were summoned to the bar of the Legislative Council, when his Excellency having assented in his Majesty's name to several bills, and reserved for his Majesty's pleasure the Bank Bill, and another, to enable creditors to sue joint debtors separately, put an end to the session by the following

SPEECH.

" *Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly.*

" The session of the provincial legislature having been protracted by an unusual interruption of business at its commencement, your longer absence from your respective avocations, must be too great a sacrifice for the objects which may remain to occupy your attention.

"I have therefore come to close the session, and permit you to return to your homes.

"In accepting in the name of his Majesty the supply for defraying the deficiency of the funds which have hitherto served to meet the charges of the administration of justice, and support of the civil government of this province, I have great satisfaction in acknowledging the readiness manifested to meet this exigence."

"*York, April* 7, 1817."

"RESOLUTIONS *adopted, and those proposed to the Commons House of Assembly for adoption, on Thursday, 3d April.*

"*Resolved, 1st.*—That an act was passed in the 13th year of George the Second, for naturalizing such foreign Protestants and others therein mentioned, as were then or should thereafter be settled in any of his Majesty's colonies in North America.—*(Adopted.)*

"*Resolved, 2d.*—That an act was passed in the 30th year of his Majesty's reign, entituled, an act for encouraging new settlers in his Majesty's colonies in America.—*(Adopted.)*

"*Resolved, 3d.*—That the said acts were enacted for the express purpose of facilitating and encouraging the settlements of his Majesty's American dominions.—*(Adopted.)*

"*Resolved, 4th.*—That the said acts are still in force, and that subjects of the United States may lawfully come into, and settle in this province, hold land, and be entitled to all the privileges and immunities of natural born subjects therein, on complying with the several formalities required by the said acts and the existing laws of this province.

"*Resolved, 5th.*—That during the late war with the United States, from the want of population, the operations of the king's armies were frequently delayed and defeated;

the country itself much injured by the frequent calls upon the people for militia service and for transport; and an enormous expense occasioned to the mother country, from the insufficiency of transport and supplies.

" *Resolved, 6th.*—That the province contains immense tracts of uncultivated land of the very best quality, which if occupied by an industrious population, would in a short time furnish ample supplies of provisions and lumber for his Majesty's West India colonies, increase the carrying trade of our mother country; and add considerably to the general wealth and prosperity of the British empire.

" *Resolved, 7th.*—That at the present moment, from the discouragement given to settlers from the United States, very many respectable and valuable settlers have been prevented from emigrating to this province.

" *Resolved, 8th.*—That an humble address be presented to his Excellency the Lieutenant-governor, stating the injury that has been sustained by the province, and the check given to its population and prosperity by the preventing emigrants from the United States from taking the oath of allegiance to his Majesty, and praying that he will direct any orders that may have been made, prohibiting the admission of persons from the United States to take the oath of allegiance, be rescinded.

" *Resolved, 9th.*—That the large tracts of crown and clergy reserves throughout the province, are insurmountable obstacles to the forming well connected settlements, which is an object of no small importance in a country where the opening and keeping roads in repair is attended with great expense and labour. But in a political point of view, the measure is still more objectionable, from its holding out great inducements to future wars with the United States, by affording the means of partially indemnifying themselves, or rewarding their followers in the event of conquest.

" *Resolved, 10th.*—That the sale of the crown reserves,

instead of leasing them (as at present), would relieve the province from a heavy charge now brought against its revenue, and would relieve the mother country from all charge for the civil establishments, introduce into this province a respectable population, which would add to its wealth and resources.

"*Resolved*, 11*th*.—That the reservation of one-seventh of the lands in this province, for the maintenance of a protestant clergy, is an appropriation beyond all precedent lavish. That from the sale of these, churches might be erected and endowed, without any charge to the mother country. That to obtain so desirable a measure, a respectful representation be made to the imperial parliament, and recommending that of the lands now appropriated as clergy reserves, be sold and applied as above stated, and that in future there should be the instead of one-seventh part in each township reserved."

REVIEW.

THE work of compilation is now finished. I have placed before the reader documents not only authentic and interesting as they concern Upper Canada, but from which conclusions may be drawn of the utmost importance otherwise.

In the course of this work I have abstained, as much as possible, from intruding my own opinions, that those of the reader might form gradually as facts presented themselves, without prejudice or bias. My purpose now is to look back on the materials collected together, and discover what is most worthy of notice, and whence we may derive knowledge for decision and future transaction.

Thirty years have gone by since the Quebec Bill was debated,—thirty years in which human intellect has made wonderful advances, and while a succession of most extraordinary events has given it play beyond all precedent. With increase of general knowledge and clear evidence from many determined results, on points before doubtful, it may not be presumption, even for a farmer, to speak freely of the recorded sentiments of the greatest statesmen and orators that ever emblazoned the

page of British history; to review and criticise the opinions and principles of Pitt, and Fox, and Burke, as they appear to us on the great question of giving to American colonies a constitution. In the debate on the Quebec Bill, the characteristic features of these great men are strikingly displayed; the masterly address and placid temper of Pitt; the common sense, the feeling, and genuine honesty of Fox; the genius, the vehemence, the frenzy * of Burke. We have in all sincerity; at least such is my persuasion.

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* This expression may be questioned; and therefore, it is necessary for me to say, in the first place, that it has not escaped without consideration. Mr. Burke was a man of the clearest perceptions; but it is possible that these perceptions might have been confounded and obscured by an extraordinary rush of feeling; or by the mind being wholly absorbed in the contemplation of foreign objects. I am willing, after perusing the debate on the Quebec Bill, to suppose this, and use the word *frenzy*, as one which implies no guilt. Were I to give in to the supposition that Mr. B.'s speeches, on this occasion, were part of a studied design, in unison with his "Reflections on the French Revolution," to procure for himself and family a pension for life, then there would be no word in the English language which could be too strong to paint the villany; then we should, without hesitation, pronounce Mr. Burke to have been the willing instrument of bringing about all the horrors of the French revolution. I acquit him even after reading his letter to the Duke of Bedford, in 1792, which, of itself, would rather increase suspicion. Nothing is more true than that "it is human to err," and nothing should be more constantly kept in mind, that we may *deliver judgment in mercy*. Were I to reflect for a hundred years on the conduct of ministers against the Queen, I would disapprove of it; and yet I have a conviction that Lord Liverpool and the Chancellor

The fancy of giving to Canada the British constitution was a good one: about as rational as to think of cultivating sugar canes in Siberia, or to entertain hope from grafting a fruit twig on an icicle. The British constitution is a thing which circumstances have generated, and which only can be upheld while peculiar circumstances exist.

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are honourable men. After page 51 of my General Introduction was printed, it was read by several of my friends, who thought me right, with regard to the former, but not the latter statesman. They knew not that I had a peculiar reason for being indulgent. Lord Eldon was an immediate cause of my ruin. He ordered cash, which was necessary to my salvation, to be taken from me, and put in bond for years at a low rate of interest, as I thought, without sufficient cause, and, as afterwards appeared, unjustly. Even when it was clearly due to me, he would have delayed an order for repayment, but for my rushing in between him and my counsel, personally, to protest against the wrong. I shall not be displeased if accident brings this to his Lordship's eye, and induces reflection upon the monstrous nature and practices of the Court of Chancery. Let me finish with pushing ministers to the wall, and exclaiming they are "all, all, honourable men." They had full testimony as to the savage murder of Ambristier, but thought it *expedient* to pocket the affront, lest inquiry might lead on to a quarrel with the United States*, or an exposure, perhaps, of their own wickedness, in stirring up the Indians against the Americans. Nineteen people out of twenty thought it inexpedient to prosecute the Queen, but ministers disregarded expediency, till a hopelessness of success made them think it expedient to give in. It is delusion: it is the intoxication of power, which human nature seems unable to withstand. But some may yet say, "Had I served my God as I have served my King, he would not, in old age, have thus deserted me."

* See Lord Bathurst's Speech on that question.

Notwithstanding all our boasts, chance and necessity have had more to do in its maturation than reason and truth; and while we look back into history, and survey the world around us, we have much reason to be thankful that it is, as it is. To assume it as perfection, and palm it upon a distant country without consulting first principles, afforded little chance of success. At home, the British constitution would be all-sufficient if we had it; and were we ourselves perfect, we may have it in perfection: abroad, it cannot possibly be had. Mr. Pitt is so far excusable as he brings forward the measure only as one of trial. He is framing an act of parliament, which, at any time, can be repealed or new modelled; which is wholly "*subject to revision:*" and here the Canadian has advantage over the British constitution. The latter, suspended by the cobwebs of antiquity, cannot be taken down, cleansed out, and hung up again, without dirt and danger. The former, fresh in all its bindings and appointments, can be unloosed, examined, and altered at any time with the utmost safety. Church and State are not indissolubly joined together in Canada, as some say they are at home. Church, indeed, in Canada, is not yet thoroughly established and defined; nor does it appear to have any connexion with Church at home. Church at home is not responsible for Church abroad; and would lose neither credit nor security, though never united to it. As to ruling colonies, we know that Church can be dispensed with. Church has little to do with the govern-

ment of the West Indies; and nothing at all with that of the East. We know, what is of more consequence still, that the Church of Christ never was meant, by its founder, to be connected with government.

As to establishing hereditary nobility in Canada, it is a thousand pities, that Mr. Pitt's notion had not been carried into effect. Nothing could have so well exposed the absurdity, as actual trial and consequent ridicule. By this day we should have witnessed many a pleasant farce. We should have seen, perhaps, the Duke of Ontario leading in a cart of hay, my Lord Erie pitching, and Sir Peter Superior making the rick; or perhaps his Grace might now have been figuring as a petty-fogging lawyer, his Lordship as a pedlar, and, Sir Knight, as a poor parson, starving on 5,000 acres of clergy reserves.

As it is, the Legislative Council of Upper Canada must soon come into contempt. It can never rise above the value of a bundle of well tried sycophancy and passive obedience. The characters of the Governor's *elect* are perfectly known before their appointment for life; and, I doubt, if a single instance has yet occurred, where any one councillor has ever, in a manly manner, opposed the *dictum* of his Excellency. But Upper Canada has not suffered so much from its legislative councillors as from its assembly men. The councillors have generally been better educated than the representatives of the people, and have had greater regard to outward appearances. The Honourable

William Dickson, for instance, being bred a store-keeper, could write a good hand and keep accounts, with which accomplishments, and some practice as a clerk to a district judge, he was made lawyer by act of parliament, and then dubbed with the *honour* which he now bears. He is of course so far superior to Isaac Swayze, Member of Assembly, who can scarcely write his own name, and for whom no employment was too mean, even that of collecting fowls for the Lieutenant-Governor's table, who had no blush for palpable malice and perjury, and who was notorious for the commission of most shocking crimes, in capacity of spy and horse provider to his Majesty, during the revolutionary war of America.

But this superiority of the Councillor does not go beyond external acts, and, so far as morality is concerned, every suspicion must sink him below the Assembly-man. The act of the one manifests brutal ignorance, that of the other results from cunning. Dickson's superiority over Swayze, in point of education, his profession of lawyer, and the very feeling which his *nominal honour* should have bestowed, all militate against him, and point at the willing abettor of perjury. The law, even though applicable to me, did not require that a direct assertion should be made that I *was* seditious. An oath as to the *belief* of this would have done equally well, as appears more particularly from inspection of the original Sedition Act; and which kind of swearing was in constant practice in Canada, for the arrest of debtors suspected of intention to leave

the province. The man who could sufficiently read and write, the lawyer, and the legislative councillor, could not be ignorant of this. He could not be ignorant that Swayze subjected himself to a prosecution for perjury; but he felt *himself* secure from danger, and therefore winked at the iniquity. In cunning he was superior to his cat's-paw. The Councillor and Assembly-man, in these their acts, do but too exactly exemplify proceedings in their respective Houses, which may by-and-bye appear. The House of Assembly has always been made the *prominent* instrument of gross performances in the political drama of Upper Canada. The Legislative Council has assisted only behind the scenes, or come forward after the way was smoothed by the pioneers.

This question will naturally arise, how could such a man as Isaac Swayze be elected, and repeatedly elected, by the people as a representative in Parliament? and, to be sure, the people must bear reproach. I shall say the best I can for them: simplicity abounds in Canada. Swayze could cover all the stains upon his character, before my time, with hypocrisy. I once heard him tell, *at the table of a Legislative Councillor*, by what means he gained favour with his constituents. "When electioneering," said he, "I pray with the Methodists;" and were it not wandering from my present subject, I could satisfy the reader how it came about that jesting with religion and honesty could be endured in such a situation. The fact is, that till I resided in Upper Canada I did not believe

that there were, on earth, men so thoroughly destitute of shame as I found among the *higher ranks*, Legislative Councillors, and Assembly-men, of that province. Swayze is now put out of the Assembly; but I am sorry to say, that, from another quarter, men have been returned to it, even of a more dangerous stamp to decency and the hope of good. The first session of a new Parliament has passed over without the grand essential of inquiry being carried*. The Commons have voted down the Sedition Act, but the Legislative Council has put a veto on its repeal.

The Legislative Council of Upper Canada has considerably declined, in point of respectability, since its first institution. Originally, there were some gentlemen nominated, who had no previous trial and training in mean and dirty things; and who justly bore a high character. Now, and as necessity increases for making the Governor's arbitrary will secure,—for strengthening *his* influence, I do not say the crown influence, for the influence of a provincial governor goes quite beyond that, we may well imagine what it will come to. In short, the existence of the British constitution in Canada, was, from the beginning, a mere delusion, and experience has given proof of its being a

* This intelligence I have just now (25th June, 1821) received by a private letter from abroad; and when I heard, last September, that *seven lawyers* had gained favour with the simple Canadians, I guessed too truly how it would be; but improvement must have time.

mischievous one. Mr. Pitt, holding the King's message in his hand, says, "*the* HABEAS CORPUS ACT *was already law, by an ordinance of the province, and this invaluable right was to be continued as a fundamental principle of the constitution.*" Mr. Fox observes, that the ordinance of the province might expire before the constituting act was in force; but this did not invalidate the declaration of his Majesty's prime minister; or, if it did, the adoption of the whole law of England, saving a few specified exceptions, by the first act of the Canadian parliament, backed with Simcoe's declaration, that the province was blessed, not with a *mutilated constitution;* but with a constitution, the "*very image and transcript of that of Great Britain,*" completely settled the point. Yes, most assuredly, the *habeas corpus* act was as good to a British subject in Canada as it is at home; but what are laws without morals? What are they in the face of arbitrary power over which there is no controul? Reasoning, perhaps, could have given me ultimate triumph over my enemies in Canada, but what chance had I from reasoning after my powers of reasoning were gone, and when I had not strength of mind even to protest against oppression? In short, what avails the British constitution, even at home, where juries can be packed; or, when hundreds of people can be trodden under foot by a military corps; when the most shocking murders may be committed at the nod of magistracy; and parliamentary inquiry be refused? The most important and consolatory

conclusion to be drawn from what has happened is this, that however arbitrary power may, for a time, have sway, it is by its acts, hastening to an end, especially in Canada. Had Canada been an island far in the ocean, British ministers might have governed it for ages by humbug and tyranny: lying along side of independent America, where things are as they should be, the very attempt is ridiculous. The people of Canada will, by-and-bye, get enlightened. They will get above *simplicity*, and choose men to represent them worthy of the trust. When this is the case, and not till then, they will enjoy all the blessings of the British constitution.

It does not appear that there was much call on the part of the Canadians, for a constitution, when British ministers tasked themselves with the fabrication of one for the colony. Perhaps it was thought, that as constitutions were beginning to wither in Europe, and a rank young one, self-sown, was springing up in America, it was time to stick in a sucker by the side of it, torn from the root of our old plant, to try if it might not prosper and overshadow the seedling of nature and independence: perhaps it was thought time to be making a shew of liberality; but sham liberality cannot long hide the cloven foot. Sure I am it would have been better, both for Canada and the parent state, had there been no attempt to transplant the British constitution,—much better for Canada to have had no parliament up to the present time. Had ministers, simply and sin-

cerely, considered, that all, of government, which is required to make people happy and contented in a young country, is only security for person and property: had they, with this single object in view, chalked out certain rules to be observed by a governor and council; and devised right plans for the disposal of wild land, the provinces might have flourished far beyond what they have done, been free of all discontent, and run no risk from invasion. The wild lands economically managed, might, from the beginning, have yielded profit, and enabled government to have executed every design without calling upon the inhabitants for a single farthing, in the shape of tax; might have saved them from the shame of enacting laws for which their predecessors, the savages, would have blushed.

It is well worthy of notice, that while Mr. Fox quarrels with the mode of appointing the Legislative Council, finds fault with appropriating so much land to the clergy, and haggles about the number of assembly men, he makes not a single inquiry as to the disposal of wild lands. He thinks of the governor's influence being prejudicial, from the appointment of legislative councillors, &c.: he had full experience, at home, of evils from ministerial patronage, and he could easily conceive that in a distant province where this was not divided among many, or distilled through the discretion of a chancellor, himself dependent, and exposed to the eye of scrutiny; where it proceeded in no way from the royal will,

free of all petty regard to self-interest, but the very reverse; where it is the very throne on which the despot exalts his vanity, and the very source to which he looks for the means of luxurious retirement: he could thence easily conceive how ruinous patronage might become; but, he was not aware that the greatest amount of such aggravated mischief was not to be half equal to that proceeding from the provincial governor, having an uncontrouled authority over the public property in land; and, it is to this, chiefly, which we must ascribe the wretched condition of Upper Canada, as well as the debasement of its people. Yes, my best friends in the province must not blame me for using language, that may assist in getting them out of the filthy mire. The debasement of the people of Upper Canada is truly deplorable, and of this I had better experience. When Sir Peregrine Maitland first arrived in the province, there was a general expectation that he would be favourable to the cause of inquiry, which I had done so much to advance. So long as this was cherished there was no want of bold and active supporters. The moment that it was found otherwise, oh! what a falling off was there! Many would still speak their sentiments privately; but I do not recollect of a single one who would put his name to a publication in my favour, after the strong hand of power had hold of me. On the contrary, not a few of my quondam friends signed addresses to his Excellency, some of them nauseous in the extreme. In volume 1st., page 549, I have noticed

what effect the delightful air of Upper Canada had upon the animal spirits. I there expressed myself the more strongly, that in this place I might heighten the contrast with the tendency of vicious government. Canadians are naturally "brave, lively, and generous hearted." They are as brave as bull dogs and brooding hens, when left to the operation of unrestrained passion; but they have little passive courage; and, under the influence of ministerial scowl are the veriest poltroons. It becomes, indeed, a matter of prudence for those who have any dependence on government to be cautious, for where provincial rulers cast an evil eye there will be blight, in some way or other; by hook or by crook, in spite of feeling, reason, or law. When I first proposed to the people to hold a convention for the purpose of sending home a petition for inquiry, a poor fellow who held a commission during war, and who, in consequence of being shockingly wounded, received a pension of £20 per annum, was my most zealous well-wisher. He would not, however, openly declare his sentiments, because, said he, "were I to do so, they would deprive me of my pension." Can it be supposed for a moment, that this kind of dread will ultimately tend to maintain British influence in the provinces? certainly not. It ever appeared to me the most dangerous of symptoms; and, for that very reason, I was always the more open—the more remorseless to every skulking, treacherous manifestation. The spirit of liberty is quite alive in the breasts of the Canadians; and

the best policy is to let it have free vent. Pent up, and subdued for a time, by petty tyranny and unhallowed restraint, it will assuredly, in the end, burst out to harm. At parliamentary elections, this spirit has always shewn itself. I have in my possession many printed addresses of candidates, vulgar enough truly, but invariably stuffed with high sounding pretensions to independence, and regard for popular rights: always patriotic; but the patriot has no sooner got up to Little York, than all his fire has gone out. If he is right simple, a few invitations to the Governor's table unman him. If proud of authority, a commission of the peace will do; if vain, a commission in the militia; if avaricious, a grant of land, a pension, or a place of profit bind him, in gratitude, to be the humble servant of his Majesty's representative. In truth, with such tools the Governors of Upper Canada have always been enabled to legislate at will; and the very thing which, theoretically, must have appeared a safeguard to liberty, has tended to its extinction. No governor, left to himself, would have had the effrontery to act as some of the provincial governors have done; but, countenanced by the representatives of the people, the feeling of shame was taken away. It should therefore be clearly understood, that hitherto evil has not arisen out of the constitution, but from the overwhelming and boundless power of the governors. This is what now wants correction; particularly as it concerns the disposal of wild lands. It was this chiefly which I pressed attention to when in

Canada, and which immediately requires the interference of the Imperial Parliament. As to the frame of the provincial government, it may do very well for a dozen or twenty years to come.

It makes one almost melancholy to read the speeches of Mr. Burke on the Quebec Bill. Though he soon afterwards got a pension from Government, and secured to his family, up to the present day, a handsome income, I am unwilling to believe that he was moved by any sordid motive: yet, how strange that a man of such superior talent should place himself at bay, where there was no symptom of attack? that he should continue ranting on a subject which might fitly have been discussed in a supplement to his "Reflections on the French Revolution," but which had no connexion whatever with the framing of a constitution for Canada? Much of what Mr. Burke said in the year 1790 appears like prophecy; but prophets have sometimes assisted in the fulfilment of their own augury: and it is surely our duty to do our best for futurity by consulting the plain dictates of reason, in these enlightened days, rather than to look back into barbarous times, and take precedent from inclinations and feelings to which only peculiar circumstances gave rise. For my own part, whether condemned to banishment by a conspiracy of villains, or pleading for my just right of returning without taint to Upper Canada, as a true and faithful British subject, I shall never, for one moment, cease to put a value,

beyond price, on the rights of man: I shall ever look to these as the grand pillars on which all political fabrics should rest. Neither the ferocities of a Robespierre, nor the temporary madness of a whole nation, shall frighten me from cherishing principles which reason approves; and which put to proper use, will as surely contribute to human happiness, as God is wise, and just, and merciful.

Nothing can be more pusillanimous—more treacherous to nature and truth, than to maintain that, because kings and nobles got established in days of darkness and superstition, they should be established for ever. The doctrines of Burke would go to this; and, while the representative system of France was yet concocting, and had not gained fair trial, our most loyal politician would misrepresent its tendencies, and ridicule all expectation of its success. It was from no fault in the plan of representation that the horrors of the French revolution proceeded: they proceeded from the bad *materiel* which the ancient reign of kings, and nobles, and priests had generated. Frenchmen were vain, and volatile, and vicious: they were brutal and base, because they had been cradled in corruption, canopied by the wide spreading iniquity of an absolute monarchy. They needed, perhaps, all the chastisement they have received, to purify them from the filth of ages, and fit them for the enjoyment of rational freedom. They needed, perhaps, such monsters as Danton and Robespierre, to give them an outward view of their own hearts.

They needed, perhaps, a Buonaparte to exhibit to them their vain glory, their false views of liberty, and their despicable prostration to military despotism. They needed, perhaps, their present subjugation to a family they despise, to train them in, by humility and calm reason, to act like men. But, bad as the French were at the commencement of their revolution, they might, I doubt not, have accomplished it in peace, but for such writings and speeches as those of Mr. Burke, which bolstered up pride, kept alive resentments, and riveted prejudices, which imposed upon common sense, and confounded reason:—but for the combined powers of church and state, the high blown conceit of princes, and the wrath of a sinking priesthood. They will yet accomplish it. The present is a useful breathing-time—a time when the world quietly, and to profit, can study the acts and declarations of the Holy Alliance.

Had Mr. Burke been an impartial reasoner on the rights of man, he would not have connected them with the delirium of the French revolution: he would have sought for their genuine worth, as exemplified, and fairly brought to issue, in that of America. This was the quarter to which he should have looked for precedent, when framing a constitution for Canada; but from this quarter he averts his eye, that he may gaze upon the darling idols of antiquity—that he may divert attention from reason and common sense, to superstition, to vanity, and all the delusions of ancient misrule.

The States of America had enjoyed constitu-

tions founded on the rights of man for fifteen years before Mr. Burke run riot against these sacred rights. They have since enjoyed them twice fifteen years, and what has experience taught us? Have we seen the poor rising against the rich in America? Have we seen life or property insecure? Have we seen government unstable?—Quite the reverse. During forty years, while the people of each State had a constitutional liberty, to assemble at any time and remodel their form of government, this has been resorted to only in one instance. I was in Connecticut while a constitutional reform was decided on by the assembled people; and it was decided upon and carried into effect, without the smallest commotion.

It is pretty clear that Simcoe was sent out to govern Upper Canada, without any controul in the disposal of land. Only a year after his arrival in the Province, war broke out with France, and thenceforth, till the American invasion, that country was little thought of. As soon, indeed, as the war in Europe began, England had full employment for her people, and Canada was of no consequence as a receptacle for redundant population. Simcoe's plans were all ruled with an eye to military operations, and, so far, they were judicious. In business he was energetic. And, as remarked by Rochefoucault, the greatest obstacle to success rested in his purpose of returning to England at the expiration of five years. He was recalled even within that period, and as soon as he was gone,

not only were all his schemes set aside, but the engagements which he had entered into were grossly violated. Men of capital and enterprise, who had come into the Province duly furnished with cattle and implements to commence the settlement of townships, granted on condition that they should be settled, had these taken from them, and 1200 acres of land offered in lieu thereof. Some accepted of this, and remained: others went off in disgust, to proclaim through the United States the perfidy of the British government. Whether the scheme of settling Upper Canada by such contracts was politic, it is not now necessary to determine; but it was at once impolitic and dishonourable to run from solemn agreements, made in the name of his Majesty. Governor Simcoe had sent forth proclamations liberally inviting settlers into Upper Canada, and all that he did should have been ratified. One of his schemes was in every way judicious, yet most wantonly marred. He had lined out a grand highway, which was to run from one extremity of the province to the other, connecting his military posts and naval establishments. This he called Dundas Street, and part is represented on my map. He had no money wherewith to open this; but his purpose was to grant its margin to actual settlers, on condition of each making good the road, so far as his grant extended. Settlers sat themselves down at different parts, along the line of this proposed grand thoroughfare, and fulfilled their engagements only to be grievously disappoint-

ed. The moment that Simcoe was recalled, the ungranted lots along Dundas Street were seized by people in power, and the actual settlers, up to 1817, remained in little communities, cut off from each other, and unable to make good the grand communication, the completion of which had, at the outset, promised them such advantages, and tempted them so far into the wilderness. I have spoken of this before, but it cannot be too much reflected on, as the beginning of just complaint and discontents in Upper Canada—discontents which have ever since been kept alive by similar outrages on the part of administration. Only think of a dozen or a score of poor men going into the woods, fifty or sixty miles from connected settlement, expending their labour, for four or five years, clearing farms and erecting buildings, in the assurance that, before long, they should have an outlet to market, and a reward for extraordinary exertions and privations. Only think of these people, after five or six years perseverance and hope, being suddenly chilled with disappointment, and left imprisoned in the woods. They cannot dispose of their farms: they cannot afford to abandon them; and they pine on, from year to year, deploring their fate, and uttering reproaches against government. We cannot suppose that our home ministers were ignorant of the changes which took place after the recal of Simcoe. No doubt they authorized them, and, I presume, might reason thus, "Upper Canada turns out a fine country, con-

trary to what was first supposed*. People flock thither, and will speedily occupy it in whole. Lord Sheffield was right. We should not 'encourage settlements in the interior parts of America†', or 'form a settlement of farmers in a country which grows the same articles as our own†.' They will deluge our home market with corn. Their prosperity will tempt our own tenantry to emigrate; and we cannot, in decency, check emigration to a British colony, as we do by law to that villanous part of America now independent. We were wrong in granting a free constitution to Canada; but we may still contrive to damn the province by indirect methods; and that will not be difficult. Simcoe's settlers and contractors may growl; but what are they? a handful of poor, insulated farmers and land-jobbers. Their growling in the woods of Canada need trouble us as little as the growling of so many starved wolves. We may safely compromise the national faith, in the treatment of these men. It will never be heard of in England. We shall quickly put a stop to the improvement of Canada. We shall direct the wild lands to be given away to all sorts of people but to those of an active and enterprising spirit,—to half-pay officers, legislative councillors, and drones of all sorts, many of whom will soon quit the province for England, and, by and bye, draw rents from their Canadian

* See Page 18.

† See Pages 69 and 70.

estates to spend at home. This will do as well as if we had power to tax the people of Canada. We shall, too, multiply reserves, and, in the end, have such a corps of priests browsing about in the woods, that nothing like virtue and vigour will ever gain head against us. In short, we and the devil shall have a perpetual lease of it."

This is plain language, but really I know of none other adequate to throw light on the subject; to account for the horrible policy and misrule which prevailed in Canada when I went out to it; which had prevailed ever since the time of Simcoe; and which is yet far from being corrected as it should be.

From reading the "Sketches of Upper Canada," no one would suppose that any thing like discontent had ever existed among the people. The writer, indeed, says, "politics are scarcely known or named among them."* This might give a very wrong impression on a subject of the greatest importance. Ever after the departure of Simcoe there was political discontent in Upper Canada; all springing from ministerial misrule. It began with the breach of faith above spoken of; and immediately gave occasion for "An Act for the better securing the province against the King's enemies." It is worth while to pause here and reflect on this first sedition law of Upper Canada. The study may give light to the politician: it may enable us to substantiate the fact,

* See Vol. I., page 249.

that governments, not individuals, are generally, if not always, the first aggressors: that harsh laws are required not to keep down the people, but to uphold the despotic acts of power. Why should the King have enemies in Canada? Why should he, who was every day giving away land for nothing, and inviting all to come under his protection, have any fear of these his subjects being seduced? Why? but because the royal invitations had only proved lures to wretchedness; because the King's ministers had exhibited the King as false and treacherous. The "Act for the better securing the province against the King's enemies," is continued from time to time, and why? because the administration of public affairs got worse and worse till the year 1804, when it was necessary for tyranny to have more strength, and this it had, by working up the original Sedition Act, into the monstrous thing which I have given at full length with comments, in my General Introduction;—that monstrous equivocal thing, which increased ministerial villany dared at last to apply to a native born British subject, contrary to the first and fundamental principles of the Canadian constitution. After the Sedition Act of 1804 was passed, the misrule of Upper Canada came to such a pitch, that a judge from the bench exclaimed against it, and was warmly applauded in return by an address from the grand jury. This was in 1806, and, from that time, till the invasion, political discontent was loud and incessant: it was, indeed, mainly from a hope that the discontented would rise gene-

rally against the government, that the Americans invaded the province; and had they managed wisely they might have succeeded. Had they boldly attacked Kingston at the outset, or crossing the St. Lawrence from Ogdensburgh, cut off communication between the upper and lower parts of the province, they might have carried all before them merely with the aid of a politic address to the people. Instead of this they made an assault on the extremity; sent forth a vapouring, unprincipled and provoking proclamation, calculated completely to beget that contempt, which their dastardly retreat and cowardly surrender of Detroit so completely matured.

About the year 1806, a sheriff of the home district, voted at an election, contrary to the wish of the Lieutenant-governor, and for this, and this alone, was deprived of his office. To earn a livelihood, the ex-sheriff set up a newspaper, and, as may be supposed, made pretty free with the Governor. He was prosecuted upon a charge of libel altogether absurd, was acquitted, gained popularity, and obtained a seat in parliament. Here the ministerial party was at first too strong for him; and, because of some freedom of speech, out of doors, thrust him into a filthy cell scarcely fit for a pig. After all this he acquired an ascendancy in the House, was, for a while, at the head of a majority, and, became more and more the object of ministerial wrath. When the war broke out in 1812, he was deprived of the benefit of his paper, and though he shouldered a musket, and fought as a

volunteer against the Americans, at the battle of Queenston, he could obtain neither favour nor mercy from the provincial government. At last, starving and exasperated, he deserted to the enemy, carrying with him a corps of Canadians, and obtained a colonel's commission to fight against his country. This man's name was Joseph Willcocks. He was from Ireland, where he had respectable connexions; and, so far as I could learn, was naturally of an honest and generous disposition. His last act was far from commendable; but I have heard even ministerial people in Canada, confess that Willcocks was cruelly and unjustly treated. He was killed with a musket shot when planting a guard during the siege of Fort Erie.

I imagine two reasons induced the writer of the SKETCHES to pass over these notorious facts. First, I presume, it was an object of his work to extol Upper Canada, in order to attract to it settlers from the United States; and, secondly, the political brawls of the province were comparatively nothing to those of the neighbouring country before and during the late war with England. In the States, a desperate feud went on between two parties,—the democrats and federalists; and in every village there was the utmost rancour generated between individuals on the score of political principle. In Canada, there never was any dispute about the principles of government. The sole cause of discontent arose from the abuses of executive power. Inquiring and injured individuals saw into this, experienced its evil effects, and were ir-

ritated; but the peace of domestic society was not thereby molested, as in the United States. My struggles in Upper Canada had no eye whatever to change in the form of government; and the writer of the Sketches was one of my most able and zealous supporters. Nay, Councillor Dickson was the first who instigated me against the provincial administration, and actually offered me 500 acres of land for writing my first political address, calling upon the people to press for inquiry, and an appeal to the British Parliament. This same Councillor, whose personal pique, and zeal to recover his own credit with government, committed me to jail, and had me finally banished;—this legislative councillor was, on my first going to Canada, out of sight the most discontented man in the province, and getting tipsy at a mess of the 70th regiment, let out the secret, by declaring that he would rather live under the American than British government.

In the year 1809, Mr. Mills Jackson, an Englishman, who had been sometime settled in Upper Canada, came home, and published in London a pamphlet entitled "A VIEW OF THE POLITICAL SITUATION OF THE PROVINCE." This pamphlet I heard of when abroad, in consequence of its having been voted libellous by the Provincial Assembly; but I could not procure a copy of it till my return home. Some extracts from this pamphlet, with remarks, will not only assist the reader in comprehending what I have already stated, but throw light on the good deeds and character of the

Provincial Assembly. In his preface, Mr. Jackson says,

"Having, by right of inheritance, a claim to a large and very valuable tract of land in the province of Quebec, I was induced to visit Lower Canada, for the purpose of investigating my title; and being desirous to view the immense lakes and falls in Upper Canada, where I had purchased some lands previous to my leaving England, I extended my travels to that country, with which I was so much pleased, that I resolved to settle on one of my estates, and expended a considerable sum on its improvement; but considering neither my person or property secure, under the system pursued there, I have been obliged to relinquish the hope of its enjoyment."

In his text, the author says, after setting forth abuses in the disposal of land,

"I shall now shew that the good intention and wisdom of the British parliament, in forming the constitution of the colony, has been defeated, and the very reverse of a free government established. In the 31st of the King, purporting to give to the Canadas the British constitution, the clause from the 18th of the King, directing all monies raised in the colony to be accounted for before the House of Assembly, and to be appropriated by the said House, is introduced, that it might clearly appear as a fundamental part of the act: yet, in open defiance of this act, not only all duties levied under the 14th and 15th of the King, on articles coming into the port of Quebec, but all internal duties, as licences for retailing liquors, and all penalties and forfeitures levied under the said acts, are not appropriated by the Provincial Assembly, but drawn and applied by the Executive. Next, the Provincial Parliament have laid equal duties on like articles coming from the

states of America into the province; and all monies so collected under their own acts are in like manner appropriated, under pretence that, as they are levied from duties similar to those imposed by England, they should be considered as English acts, and not allowed to be disposed of by the House of Assembly; then, without any act, twenty dollars for every grant of two hundred acres are levied for the crown, and not accounted for in the province; so that here is the strongest violation of the intention of parliament, a complete overthrow of the finest principle of the constitution, a continuation of the same baneful system which lost the United States, and a most improper controul and appropriation of that money which should be applied by the House of Assembly for the improvement of the province and the diminution of expence to the mother country.

"In the 31st of the King it will be found that great care was taken to establish the Church of England: one seventh of all the land granted is reserved for the clergy, yet in seventeen years not an acre has been turned to any beneficial account; not a clergyman, except such as England pays or the Missionary Society send, (only five in number), without glebe, perquisite, or parsonage-house; and still fewer churches than ministers of the established religion. A laudable attempt was lately made to encourage the propagation of the gospel, and to diffuse some education amongst the rising generation: the House of Assembly voted eight hundred a year for eight schools, as an inducement for protestant clergymen to settle in Canada, but even this was soon turned into a reward for convenient persons; the nomination of masters became the Lieutenant-governor's patronage; the schools were given to half-pay officers, or to men equally unfit for the superintendance of classical instruction. Thus, in defiance of the British parliament and the Provincial Assembly, every attempt to infuse religion, morality, or instruction, has been defeated.

" I have stated that the first act of the Provincial Parliament was to adopt the law of England as the rule of decision in all civil as well as criminal cases, and that the rule of evidence should be the same as practised in England; but the purity and perfection of this admirable system was quickly overturned: this establishment of the English law was not construed to be the law practised in Westminster-Hall, but to include all the statutes made to coerce the viciousness or restrain the fraudulence pursued in the colonies, in their primitive depravity, and by the continuance of which, when they became unnecessary and oppressive, the United States were first irritated, because they would not submit to a code which overturned the common law of England, and vitiated the first principles of evidence; yet these laws were enforced in Upper Canada, and when insufficient for the purposes of oppression, the ordinances of Lower Canada were resorted to, as if legally established. It is admirably laid down, " That the pure and impartial administration of justice is, perhaps, the firmest bond to secure the cheerful submission of a people, and to engage their affections to government." This could not be expected where judges held their commissions during pleasure, where their salaries were small, and where they were removed at the will of an imperious ruler. The judges, subject to the controul of power, might seek strength for their decisions, permanency in their stations, and every colonial advantage, rather in the influence of the parties engaged in the cause, than in a disinterested uprightness in upholding the law and enforcing the justice of the case to be decided; therefore the juries disregarded the bench, the court was tumultuous, and the stocks publicly broken before the chief justice; the community transferred their apprehensions from the dependance of the judges to the judicature itself, and all respect for or confidence in redress and security from the law was destroyed: the shopkeepers are the justices of peace; they have the

means of extortion, and the power of enforcing payments; they are first the criminals, then the judges; and the court of appeal seems to be so constructed as to prevent an honest verdict from passing into effect. The practice of the court is unjust, oppressive, and influenced; favorite attorneys were made deputy clerks of the peace, so that process might be entered, and writs obtained most partially. The crown lawyer is allowed nearly seven pounds sterling for every criminal prosecution! an inducement to listen to trifling complaints, and prefer frivolous indictments, when, if power was gratified, and independence harassed, it was a sufficient excuse for an inflated contingent account.

"An action was brought against a magistrate, who had exerted his authority in an illegal and oppressive manner, and he was cast in damages one hundred pounds. An attempt was made to set this aside in the King's Bench; but that failing, the crown lawyer ordered the clerk of the court not to issue the execution; in consequence of which it was refused. The civil officers dare not resist oppression, or demand their right. A most illegal and unjustifiable extent issued against the provincial secretary*, at the suit of the crown; it lasted for years; he dared not apply for justice; and when it was as imperiously taken off, as it was arbitrarily laid on, the sheriff dared not apply for fees expended in holding possession under the writ, or the printer sue for the money voted him by the House of Assembly for printing their journals. The surveyors could not obtain the money they had actually expended in the public service, nor the people find redress for extorted fees; therefore, when there was neither substance nor shadow of law or justice, but the will of power was the rule of decision, the public mind was agitated in the extreme, and universal gloom pervaded the province.

"* See his Memorial at the Secretary of State's office."

"When the colony was thus critically situated, Mr. Thorpe arrived as one of the justices of the King's Bench. His only object appeared to be the strict and upright discharge of his duty, unawed by power, uninfluenced by land, and unbiassed by party, or prejudice*. The highest opinion was entertained of him, the utmost confidence placed in him, and all descriptions of people seemed satisfied that, through his representations, their grievances would be redressed, and by his exertions every benefit administered.—In this happily accomplished unanimity, Mr. Gore, the Lieutenant-Governor, arrived. His mind most unfortunately appeared to be from the beginning prepossessed against Mr. Thorpe. Either prejudiced from misrepresentation, or jealous and envious of the situation Mr. Thorpe held in the public mind, he could not endure they should move in the same orbit. The Home and other districts represented their grievances; and when Mr. Thorpe returned from the circuit, he laid before the Lieutenant-Governor such causes of complaint as the grand juries had directed him to make; but the only attention paid to these representations† was a most unbecoming attempt to make every grievance complained of appear to arise from Mr. Thorpe's instigation‡, not from the actual sufferings of the people. A letter was sent from the Lieutenant-Governor's office to the grand jury of the London district, to make them re-state their complaints: to which

* "I am in possession of documents to prove these things, but cannot obtain permission to publish them at present."

† "Look for these representations in the Lieutenant-Governor's office."

‡ "Against one of the most audacious of those directed to revile him, Mr. Thorpe (as a Justice of the King's Bench), directed an action of *scandalum magnatum* to be filed; but his brethren of the Bench defeated him, by deciding that no such action could be brought by him."

a fuller remonstrance was returned. A recantation was then written, and a reward offered to every man of the grand jury who would sign it; this was also ineffectual.—Soon after there occurred a vacancy in the House of Assembly for the Home district; and as it ever has been the constitution and custom of the colonies for judges to be members, the people of all descriptions and orders addressed Mr. Thorpe to represent them; he answered, that he would not become a partisan, but if they placed him in the House, "he would do his duty." Every engine within the reach of authority was used for the purpose of defeating the wishes of the people on this occasion; many were requested to canvass, and all interests were required to yield in favour of the candidate most likely to succeed against Mr. Thorpe. Any person in employment, in expectation of, or entitled to land, was gratified, promised, or threatened; magistrates were made and unmade, as best suited the purposes of electioneering; grants were given; fees excused, or promised to be paid by those high in authority; even domestics were bribed with places, land, and money, to vilify and accuse, by direct falsehoods, the most upright, serviceable, and esteemed persons in the province. By such means have those high in authority been deceived, and the colony deprived of her best acquisitions, and the crown of its most valuable servants. In short, the people, united and happy at the prospect of redress, became divided, and the most dreadful acrimony succeeded the most perfect unanimity. It cannot be regretted that these efforts, degrading to, and inconsistent with, the legitimate authority of the provincial government, should fail; and that the candidate who solicited not a vote, and the people who required only the free exercise of an undoubted privilege, should be rewarded with success. The press, subject to the most unconstitutional controul, became the vehicle of the most vicious calumny against Mr. Thorpe and his friends. This, at last, induced the people to esta-

blish an independent press; which has produced a great exposure, and has exhibited such transactions as we lament should ever have occurred. After every thing had been practised to traduce, oppress, and irritate Mr. Thorpe, his friends were next attacked. The Surveyor General (Mr. Wyatt) was the first deprived of his situation, in defiance of justice, and the power vested in him by the King's commission, without any fault. He must however have known when just claims were refused, and when unjust grants of crown land were issued. Besides, he had dared to interfere, in the strict line of his official duty, for one of his deputies, who had been refused his hard-earned stipend, and in consequence thrown into a gaol; he had presumed also to defend himself against unmerited censure; he had shewn the Council their erroneous proceedings in a purchase of land from the Messesagua Indians, by necessarily shewing, in his official * correspondence with them, how a false map had been procured, and the tribe thereby defrauded of seventeen thousand acres. This gentleman, by the most upright conduct, had gained the respect and esteem of all descriptions of people; but his office was the mint of the province. He was removed by the sole act of the Lieutenant-Governor, and a subservient clerk placed in this important station. The Sheriff was the next to be sacrificed; he was dismissed also without any fault (in truth his conduct merited and received the highest commendation); but the office was considered a necessary one to command, and the persecution he has since experienced is unparalleled. At last, the misrepresentations † of the colonial

* "Again I have been restrained from publishing some strong documents, but must refer to the Journals of the Provincial Council, where the whole correspondence between the President and Surveyor General on this subject may be seen."

† "Refer to the dispatches from Lieutenant Governor Gore to the Colonial Department."

government induced the Secretary of State to recal Mr. Thorpe; and, although there is not the slightest imputation against him, or any other displaced under the like circumstances, yet they are driven from appointments, in which they were rendering the most important and beneficial services to the colony and to Great Britain.——Is not such conduct unjustifiably aiding and abetting the most impolitic and tyrannical proceedings on the part of the provincial ruler; sanctioning measures detrimental to the prosperity, and dangerous to the security of the colony; acknowledging that the stability of every civil officer's situation shall rest on the caprice of the person administering the colonial government?——But the last act I have heard of seems to surpass all the former. On the people's declaring their intention to petition the King for redress of their many grievances, it was publicly declared, that any man should be sent to prison who signed any petition or address whatever.

"It is evident how the royal promise (declared by proclamation) has been broken; it is also certain that the King's beneficent intentions for his suffering loyalists have been defeated.* Provisions, clothing, farming utensils, and every article that the country did not produce, necessary for erecting houses and mills, was sent to establish the comfort of the poor refugee, but used for the accommodation of the rich favourite, or from neglect rendered useless. It is manifest that the political views of Mr. Pitt have been frustrated; that the wisdom of the British parliament, in forming the constitution, and establishing the Church of England, by the 31st of the King, has been overturned; that the attempts of the provincial Houses of Assembly, for the most beneficent purposes, have been distorted; that

* "I refer to the items of the articles sent out, and the orders sent with them, the commissioners' return as to the distribution, and the state of the articles now in store."

the pure law and salutary practice of the courts of England, have been vitiated; that the ablest and most serviceable officers of the civil establishment have been oppressed, and driven away; that the people have been deceived, impoverished, and enslaved."

Mr. Jackson then goes on to detail abuses in the Indian department, which were notorious and abominable,—speaks of plans of improvement, &c. and adds,

"The people are active, hardy, and industrious, once firmly attached to Great Britain, and may still be regained; they have always acknowledged your legislative supremacy, and would willingly give you a monopoly of their produce and imported consumption. They love their King, and respect the parliament of Great Britain; and are convinced that if their grievances were known, they would quickly be redressed; but to make a representation is not within their power. Two years ago a petition to the King, from the House of Assembly, stating their melancholy situation, was lost by the casting voice of the Speaker; since which time they see the power of the governor increasing every year, whilst those in whom they confided, and on whom they depended, are torn from the highest stations, and now, finding themselves denied the right of petitioning their Sovereign, they are almost divested of every hope of redress."

The pamphlet concludes with a call to the King, Lords, and Commons, in these words:

"I call on you to examine the Journals of the House of Assembly and executive Council; to look at the distribution and use made of the crown lands, the dispatches

from the Lieutenant-Governor, the memorials from the provincial Secretary, Receiver-General, and Surveyor-General; the remonstrances of the Six Nations of Indians, and the letters from Mr. Thorpe, myself, and others, on the state of the colony, either to the Lords of the Treasury, or to the Secretary of State. Summon and examine all the evidence that can be procured here, and if more should appear necessary, send a commission to ascertain the real state of the province. Then you will be confirmed in the truth of every representation I have made, and much more, which, for the safety of individuals, I am constrained to withhold. Then you will be enabled to relieve England from a great burden, render the colony truly valuable to the mother country, and save one of the most luxuriant ramifications of the empire. You will perform the promise of the crown; you will establish the law and liberty directed by parliament; and diffuse the gospel of Christ to the utmost extremity of the west. You will do that which is honourable to the nation, beneficial to the most deserving subjects, and lovely in the sight of God. I am convinced, when there is a great cause, you will come forth; when there is a great injustice, you will be roused; and that no party interest, or friendship, will warp you from discharging your duty strictly.——I call for investigation. I have no private interest or passion to gratify; I call for investigation, as a duty I owe my King and country.

"JOHN MILLS JACKSON.

"*Southampton, Jan.* 10, 1809."

Mr. Jackson did not send a single copy of his pamphlet to Canada; but one sent out by some other person was laid before the Commons House of Assembly of Upper Canada, and the following precious records will best speak for themselves.

Extract from the Minutes of the Proceedings in the House of Assembly, 10th March, 1810.

"The House went into the order of the day for taking into consideration a motion made yesterday by Mr. C. Willson, seconded by Mr. M'Nabb, that the House do resolve that the pamphlet intitled 'A View of the Province of Upper Canada,' signed John Mills Jackson, contains a false, scandalous, and seditious LIBEL, comprising expressions of the most unexampled insolence and contumely towards his Majesty's government of this province, the grossest aspersions on the House of Assembly, the courts of justice therein, and the officers of the civil establishment of the said government, and most manifestly tending to alienate the affections of the people from his Majesty's government of this province; to withdraw them from their obedience to the laws of the country, and to excite them to insurrection.

"The House unanimously resolved the same. *Mr. Gough* moved, seconded by Mr. M'Nabb, that the House do present an address to his Excellency the Lieutenant-Governor, expressive of its abhorrence and detestation of an infamous and seditious libel, signed John Mills Jackson; and that Messrs. C. Willson, M'Lean, and M'Gregor, be a select committee to draft the same: which was ordered accordingly.

"*Mr. C. Willson*, seconded by Mr. Gough, moved that the pamphlet entitled 'A View of the Province of Upper Canada,' signed John Mills Jackson, be preserved among the records of this House.—The House unanimously ordered the same.

"*Mr. Gough* then moved, seconded by Mr. C. Willson, that the names of the members present be taken down.

"The names of the members present were accordingly taken down, and are as follows:

" *The Speaker.*

James M'Nabb,	*Joseph Willcocks,*
Stephen Burrett,	*D. M. C. Rogers,*
Henry Marcle,	*Thomas Frazer,*
J. B. Baby,	*Matthew Elliott,*
Allan M'Lean,	*David Secord,*
Philip Sovereign,	*Levi Lewis,*
T. B. Gough,	*John M'Gregor,*
Peter Howard,	*and*
John Willson,	*Crowell Willson, Esqs.*

" And grounded on these resolutions, the following Address was presented, on the 12th instant, to his Excellency the Lieutenant-Governor.

" *To his Excellency Francis Gore, Esq. Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.*

" MAY IT PLEASE YOUR EXCELLENCY,

" We, his Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Parliament assembled, beg leave to assure your Excellency of our approbation of your Excellency's administration of the government of this province, which, since your arrival among us, has increased in wealth, prosperity, and commerce, far exceeding our most sanguine expectations, aided by your wise and liberal exertions to promote the same.

" We should not intrude on your Excellency at this time, to express the general sentiment of the people of this province, did we not feel ourselves called upon and impelled by a sense of that duty which we owe to our constituents, his Majesty's loyal subjects of this province; to you, Sir, as administering the government thereof; and to that august sovereign, whom we revere as the father of his people; only to express our abhorrence and indignation at a pamphlet now before us, addressed to the King, Lords,

and Commons of the United Kingdom of Great Britain and Ireland, containing almost in every page the most gross and false aspersions on your Excellency, and his Majesty's executive government, the House of Assembly, and the loyal inhabitants of this province; under the signature of John Mills Jackson, tending to misrepresent a brave and loyal portion of his Majesty's subjects.

"The Commons of Upper Canada, as the organ of the people, consider the author and the publisher of such false and libellous pamphlet as a character endeavouring to alienate the minds of the unwary from his Majesty's government; and to diminish the parental affection of his Majesty to his liege subjects in this province; which with gratitude we proudly acknowledge to have experienced an ample and abundant share of.

"In addressing your Excellency, we feel a satisfaction in repeating our approbation of your Excellency's administration of this government, without entering into details which would exceed the bounds of an address.

"We humbly request your Excellency will be pleased to represent us to his Majesty in our true character, as loyal subjects, to remove any impression which such libel may have made, or might make under such imputation.

"(Signed) SAMUEL STREET, Speaker.

"*Commons House of Assembly,*
12th March, 1810."

After this exploit was achieved by the Assembly, one of the SMELLFUNGI of administration, who does not give his name, wrote a series of "LETTERS TO HIS FRIEND IN ENGLAND," with leave to give them to the public, and they were of course, published in a pamphlet, of which I have a copy; the object being to promulgate the

above parliamentary records, and to run down Jackson's assertions. I am not to inquire into the correctness of these assertions, though I have no doubt of their being generally correct. What Mr. Jackson says, in his preface, about "*person and property not being secure,*" I can most readily credit, having had, myself, too good experience of the truth; and, if neither person nor property can be considered safe, under a government, I know not what words can be justly considered libellous towards it. I should indeed say, that the man, who used the strongest words in reprobating and exposing such a government, was the best friend to the people who lived under it. I have quoted the strongest parts of Jackson's pamphlet, and would ask what in it is libel? while the resolutions and address opposed to it cannot fail, I am sure, to fill every one with disgust.

My object for laying before the reader these documents is to expose the manœuvres of provincial administration, in blinking the truth; as well as to shew how the Representatives of a free people could lend themselves to the vilest of purposes, that of libelling common sense, and preventing inquiry for the benefit of their constituents. SMELLFUNGUS says, at the commencement of his pamphlet, "For you who were heretofore so well acquainted with, and so partial to, Upper Canada, it is natural enough to ask what changes can have taken place there, to warrant such a production as that of Mr. John Mills Jackson, entitled, '*A View of the Province of Upper Canada*'? Calm

your anxiety however, my good friend, for I can confidently assure you that no such changes have taken place. Under an epitome of the English constitution we enjoy the greatest practical political freedom. In full possession of the criminal law of England, including the *habeas corpus* and the benefit of trial by jury in all cases, personal liberty can no where be better protected, nor property better secured."

What answer has my treatment at Niagara given to these confident assertions?

The same writer says, that Mr. Jackson "had not transmitted to Upper Canada *a single copy* of his VIEW OF THE PROVINCE, and that only a very few (copies) had come out (to the province) through a different channel:" yet we find the Assembly quite sure that this pamphlet (not circulated in the province) "tended to alienate the affections of the people from his Majesty's government of the province"! "to withdraw them from their obedience to the laws of the country"!! and "to excite them to insurrection"!!!—the very opposite of Jackson's endeavours, which bear every mark of sincerity, loyalty, and patriotism.

We find the Assembly vomiting forth their "*abhorrence and detestation* of an infamous and seditious libel, signed John Mills Jackson,"—crawling with a fulsome address to the Lieutenant-Governor, to express their "*abhorrence and indignation* of a pamphlet addressed to the King, Lords, and Commons of the United Kingdom of Great Britain and Ireland," and *humbly entreating* his

Excellency "to represent *them* to his Majesty as loyal subjects, to remove any impressions which such libel may have made."—Scum of creation!!

I do most earnestly entreat the reader to study all this. It gives insight into human nature;—into human nature in its lowest grade of sycophancy, acted upon by the mean, base, and abominable policy of a provincial government; and, in its reaction, aiding, abetting, and confirming the villany of such government. Can there be any thing more *abhorrent* to truth—more *detestable*—more calculated to stir up *indignation* than the above resolutions and address of the Commons House of Assembly of Upper Canada?

I never heard of Mr. Mills Jackson till I was in Upper Canada; and all that I have been able to hear of him at home, by making inquiry of the printers of his pamphlet, Messrs. Brodie and Co. Salisbury, is, that he lived for some time at Downton, in Wiltshire, and that he has recently returned to Upper Canada. But, knowing nothing of this person, we may safely conclude that his object for publishing in England an account of ministerial abuses in Upper Canada, addressed to the King, Lords, and Commons, was perfectly virtuous, or at least could do no harm, save to himself. He put it in the power of our home ministers to call him to account for what he had published, to make him substantiate what he had advanced as truth, and bring him to shame, if his assertions were frivolous or false. He was an Englishman: he was in England; and, like an honest man and

a good subject, he stated openly what he thought and knew of colonial government with a view to improvement. His voice, as an individual, could not be strong against the host he assailed; but when the representatives of the people of Upper Canada stood out against him, and took part with the administration of provincial affairs, his hope of a hearing was entirely extinguished. Had the complaints of Mr. Jackson been heard, and duly inquired into, in the year 1809, I doubt not but the invasion of Upper Canada, in 1812, might have been averted, thousands of lives saved, as well as many millions of money expended in the defence of the province; for, I again repeat, that the abuse of power, at that time, and the consequent discontent, were strong inducements to the attempt which the Americans made to gain possession of Canada.

When I went out, in 1817, just after Governor Gore had left the country, I heard his government exclaimed against in terms of the most violent kind. Councillor Dickson was loudest in these complaints; and another Legislative Councillor asked me if the administration of public affairs would not justify rebellion? while the brother-in-law of the then President told me, that during Gore's government, every kind of meanness was encouraged, even to a system of espionage, which pervaded the inmost recesses of private families. In short, rottenness and deceit were then at their height: nay, let the parliamentary record, above exhibited, witness the truth. It is signed by Jo-

seph Willcocks, at the very time he was, through the medium of his newspaper, exposing to the people ministerial filth; it is signed by Henry Markle, who, together with Willcocks, became a traitor during the war, which broke out only two years after the date of the record! Happily; nay, almost as if by the special interference of Providence, the poor, servile, sycophantist representatives of the people of Upper Canada, "unanimously" ordered, "A VIEW OF THE PROVINCE OF UPPER CANADA, signed John Mills Jackson," to be preserved among their records!!!—Yes! at the present day, to expose them to shame.

Since my return to England, curiosity induced me to inquire as to the character and fate of Mr. Thorpe mentioned above. I have found, that, subsequent to his recal from Upper Canada, he was sent out as Chief Justice to Sierra Leone, and that after residing there two years, had to return to England for the recovery of his health. Some inhabitants of the colony having requested him to bear home a petition, complaining of certain abuses of power in that quarter, he complied; and,—what was the consequence? For this simple act, which could proceed only from a humane and obliging disposition, he was deprived of his appointment by Lord Bathurst; and, in age and infirmity, consigned to poverty and neglect. Alas! with two lovely daughters to mourn his fate. Thus it is, that truth is stifled:—thus it is that power can hold up the veil over colonial corruption and iniquity!! As to disputes between Mr. Thorpe and the Ex-Governor

of Upper Canada, an English court of justice determined who was in the wrong. Mr. Thorpe prosecuted Mr. Francis Gore on his return from Upper Canada, and had him convicted of libel. I would ask SMELLFUNGUS, if still alive, for I know nothing of him, to reply to *this*.

The reader does not, I hope, think that space has been misapplied in giving insertion to the titles, &c. of Canadian statutes. These assist in tracing the history of the country, and, at the same time, enable us to form useful reflections on legislation and government. Our home statute-book has swelled to such tremendous volume that the eye shrinks from its inspection, and the hope of getting a useful digest, even by national exertion, is small indeed. Pruning the luxuriance of less than thirty years should not be despaired of; and, the sooner this is set about, the better. The mere titles to statutes passed in six parliaments of Upper Canada (twenty-five years), have occupied upwards of fifty pages of this volume; and had the statutes themselves been printed in similar type, one thousand pages would not have held them. So much for bulk; but what should be our dread, when, in the midst of this, there is already such perplexity from *enacting* and *repealing*, *re-enacting*, *explaining*, *altering*, *amending*, *enlarging*, *reviving*, and *continuing*, that even a clear-headed and honest lawyer, if such there be, might

puzzle *himself* in search for *true intent.* As for me I cannot come at a right understanding in some of the simplest matters. While in Niagara jail, I indulged a reverie that if I escaped banishment, and had the honour of being returned to parliament, I should, among the first of my legislatorial enterprises, attempt to get the statute book of the province consigned to the flames, after all that was good in it was extracted, and so condensed that it might be afforded to his Majesty's liege subjects for two-pence. In this my banishment may I hope to elude the imputation of treason, if I tell so far how I meant to proceed, making a few strictures by the way, that some worthy legislator of Upper Canada may take a hint, and more easily follow up my design.

With all due reverence for the memory of Governor Simcoe, and in full consideration of the manifold excellencies of the British constitution, the wisdom of our ancestors, and so forth, I would, at the very outset of my work, *mutilate* the great body of the law, by cutting off and consuming with fire the first act of provincial manufacture, which, not without consideration, I denominated "The most important on the statute book." It is indeed most important, for at one splash it completely blotted the *carte blanche* given by the British parliament to the Canadians; by which they might have held themselves out of the "glorious uncertainty," and the clutches of lawyers up to the present day. "Lawyers," says Jesus

Christ, "have taken away the key of knowledge," and knowing for a certainty that Jewish lawyers had done so, rather should I have thrown my door off its hinges, than let it be locked up, either by Jew or Gentile, while yet standing on the threshold in full possession of *ish* and *entry*. Simcoe may have been a notable warrior, and at the head of 50,000 savages, could, no doubt, have kept Jonathan in terror for many a long day; but when he gave up the key of knowledge, and flung down such a bunch of provender for the fattening of pettyfoggers, as the whole law of England, saving that which protected bankrupts and the poor, it was all over in the province "with saint, with savage, and with sage." Thenceforth the Devil had complete mastery.

In truth and sincerity, it has been mainly owing to the *mania* of adopting the law of England in the gross, that the people of the United States, possessed of constitutions of government approaching to perfection, have been rendered very little, if any happier than other men; and for this reason chiefly, that they are continually at law. When the woods first fall before the settlers' axe, and the light first darts down upon the site of a village in the wilderness, could not a hundred or a thousand people so arrange their buildings, so fix their landmarks, that no dispute could possibly arise about property, which might not be settled without fee or cost? Could they not open the Bible, and from thence determine by what rules they might live together in peace and safety? Alas! what was

the first prominent object which invariably presented itself to me in every rising village of the Genesee, when I first footed it through that terrestrial paradise—a lawyer's office, gaily painted without, and, door wide open, displaying within the library, the pens, the ink, and the paper, of "My learned friend."

Were twelve innocents of nature to seat themselves on the first dozen stumps from which their labour had thrust down as many monarchs of the wood, and to enter into compact for mutual comfort and protection, I do think they would most likely, in the very outset, agree to support any one who, by accident, should become poor or bankrupt: they would enact the very two laws which the first Canadian Parliament thrust out of their adopted code—their frightfully voluminous code, admitting of trial by battel, selling of wives in a halter, entailing of landed property, and monstrosities out of count.

With the mass of English law, I would sweep off all that could be construed into law in the shape of precedents. One would think that the writer of the SKETCHES was a lawyer, from his anxiety to have a record of the valuable precedents of the very learned and upright courts of Upper Canada; and certainly the opinions of the present Chief Justice, by which a British subject may be imprisoned without relief from *habeas corpus*, and banished on the oath of Isaac Swayze, invite a beginning. Let me compromise matters with the author of the SKETCHES; and settle it

thus, that every syllable which drops from the Bench be put on record, and hung up in the courts of justice, with this notice written a-top, authorized by a statute which could not be *misconstrued*:

THIS IS THE OPINION OF PAWKIE, BUT NO LAW.

That mankind should submit, century after century, to the rule of precedents,—submit to see these multiplied till the greatest book-worm is the greatest lawyer, and "the glorious uncertainty" has become triumphant,—submit, in this age of light, to the mandates of barbarians,—submit to see all the lively shades of present circumstance, confounded and confused with dark and doubtful colours, borrowed out of every black corner of ignorance, and laid on with the brushes of deceit and deception:—Oh! it is wretched:—it is horrible:—it is the contrivance of the arch fiend himself;—it is his masterpiece of villany. Or, rather, descending from figures, and what may seem too boisterous exclamation—setting aside personified wickedness, and calmly looking to natural causes, it is a reproach to the mass of mankind. Lawyers have an interest in keeping up the delusion: convenience, profit, and the spirit of their corps, plead apology for them. The mass of mankind have no apology: they are the sufferers, and they suffer from sloth.

Having made a breach in the statute-book of Upper Canada, and disposed of number *one*, I shall sort out the acts in classes of relationship,

that they may be hewn down with greater facility. Had this my scheme of operation been conceived before the titles of acts were printed off, these should have been numbered from first to last, for the sake of more ready reference, and to clear away the fog which envelopes "*the years of his Majesty's reign.*" There are, in all, 293 ACTS, and the successive parliaments after the first, commence with the following numbers, viz. 39—75—121—166—208—285. The reader can, if he chooses, number the whole with a pen in a few minutes.

The STATUTES regarding the *administration of justice, juries, courts,* &c., are numbers 2—4—6—14—16—22—23—24—37—40—42—49—51—54—65—68—75—76—78—86—89—94—104—112—123—125—148—162—169—183—190—193—228—235—242—245—249—293: in all, *thirty-eight;* which, to great advantage, could be reduced to *one.* This *one,* properly conceived and worded, need not, I verily believe, occupy more than six pages of the new and improved edition of the STATUTES AT LARGE. I have taken some pains not only to comprehend what these thirty-eight ACTS and other assortments aim at, but really I get so confused, in turning from one to another, and in tracing the dove-tail work of repealing, altering, and amending, that I never leave off my labour with satisfaction or certainty of what is law or what is not. Several of the ACTS regard the appointment, regulation, and empannelling of juries; yet the grand matter of preventing the

possibility of packing is not guarded against. This sad deficiency, we know, is so notorious at home, that out of London no man is safe from a packed jury who is tried for political opinion; and, in London, only by special care. Most undoubtedly it may be so contrived as to bar all possibility of unfairness. On my trial at Niagara I was told (and I can speak only from hearsay, being, *before* trial, shut up in a jail, and *on* trial as stupid as an owl in daylight) that a refinement in packing was resorted to. It was the custom of the sheriff to draw his juries from the townships of the district in regular succession. In my case it was said, that he had varied his course; and not this only, but, instead of drawing from a square space of country, he chose a line of nearly twenty miles, along which it was well known that there were the greatest number of people, prejudiced and influenced against me: but here matters were not left to rest. It was observed by people in the court, that, in the glass which contained the names of jurymen written on folded papers, a lot of these was distinctly set apart from the rest and caught hold of as the twelve who should decide my fate. On being told of this some days after trial, a still greater refinement on trickery occurred to my mind as having been practised. In the chosen pack there was one person's name, who had been so intimately connected with the convention of petitioners as clearly to give pretext for objection; and, to be sure, his name was no sooner called than the attorney-general, by an artful appeal to the

gentleman's modesty, induced him to retire. It has struck me, on reflection, since, that this person's name had been introduced purposely to play off before the court an *appearance* of impartiality in drawing jurymen, when, in fact, it was the deepest deception. In the case of trial for libel, or any where political opinion is concerned, nothing can be more easy, with the power of packing, than to procure a verdict of condemnation. It is only necessary to listen to the conversation of individuals, who are subject to be called as jurymen, to know how they will decide on trial. The Englishman I have alluded to in the note, page kvi of the General Introduction, not only had, as I was informed, publicly declared against me, but had also expressed his fear of being made a juryman, saying, "If I decide *for*, I shall offend Government, if *against*, I shall displease the people." Nothing could be more certain than how such a man would turn with a little management. How easily could every thing of this kind be got rid of by mere mechanical arrangement—by drawing from lists not made up at will from any particular neighbourhood, but over the greatest possible bounds;—from lists alphabetically arranged and otherwise so adjusted as to be subject to no human controul? Though the sheriff who had so much power over the formation of my jury had been above par in point of honesty, he had still an interest against my acquittal. Acquitted, I had the better chance to get redress against him for harsh and unconstitutional treat-

ment in jail. Reeling about in the court, I complained of this to the judge. "You may," said he, "prosecute the sheriff." Prosecute the sheriff! after the same judge gave me but twenty-four hours to remain in the country!!

The regulation of *weights and measures*, which is the object of the third Canadian STATUTE, has been easily effected; and one reflection only occurs, a reflection upon the miserable want of energy at home to establish uniformity in a matter of such consequence to the facility of commerce.

The ACT to *prevent accidents by fire*, authorizes magistrates to guard against these by the appointment of firemen, &c. "where forty store and dwelling-houses are erected within half a mile square." Why there should not be a power given for this very necessary measure throughout the country is difficult to conceive.

The *fifth* ACT regards the *toll taken at mills;* and, as it calls for no observation, I shall dismiss, at the same time, thirty more similarly circumstanced, viz. numbers 29—107 and 113—156 and 184—55—59—83—87—88 and 212—91—98—102—114—127—128—171 and 185—140—178—179—211—232—262 and 289—213—233—237—256—257—258—260—265—292. Many of these may be swept away, their objects being accomplished: some may be dispensed with on other accounts; and the remainder put in little compass.

There are *four* ACTS for *building jails*, which

may be swept away, now that the jails are built, viz. numbers 8—31—164—263. At parting, a remark may be made on number 8, page 116. That Act not only decrees as to the building of jails, but altering the names of districts. Altering the names of places is not only silly, but introduces confusion into conversation and history. In Canada there has been too much of this silliness, and when it proceeds under the stamp of authority, it is worthy of animadversion. There is not a single name altered in the Act referred to that is not altered for the worse. *Lunenburgh* sounds well, and was better than *Eastern*, inasmuch as the Eastern district may possibly be moved further to the east, should the point of land lying between the St. Lawrence and Ottawa, which now makes part of Lower Canada, be joined to Upper Canada, and by a future day, when population spreads to the shores of Lake Superior, the *Western* may not be, strictly speaking, in place. The *Midland* District, even already, is not, in fact, midland; and, we cannot suppose that Little York will long be the capital of Upper Canada, so as justly to qualify, in all time coming, the appellation of *Home* District. *Hesse*, *Mecklenburgh*, and *Nassau*, were names quite unexceptionable and sufficiently pretty. *Newark* was as good a name as *Niagara;* and so much better, as it did not clash with that of the river and places adjoining. The first five sessions of Parliament are recorded in the statute-book as having met at *Newark;* though I have, to prevent confusion, used

the modern appellation of *Niagara*. The people of the United States gave to their territory extending along Niagara river, the name of Niagara county: the fort, now their's, was from the beginning called Fort *Niagara;* and when all this was settled, and *Newark* was usefully distinctive, then, forsooth, that name must be changed to Niagara, for no good purpose whatever.—To proceed:

The statute book is loaded with *ten* ACTS for the *regulation of the militia*, which might be supplanted by a single ACT, more intelligible to the honest yeomen of the province than all put together. These ACTS are numbers 9—28—50—82—150—194—199—209—219—277. There are *four*, which regard the *seduction of soldiers*, *billeting*, and *desertion*, viz. numbers 111—167 and 217—197. The sum and substance of these I should attach to the militia ACT, as an appendix, trusting that it might be cut off and consumed after a very few years, when regular troops may be dispensed with. Indeed, we may cherish a hope, that, before the end of twenty years, the militia ACT, itself, may be thrown into the fire. What a blessed prospect is it to look into futurity, and think of the barbarous art of war, being scouted and rendered wholly unnecessary, in so large a section of the world, as that extending from the gulf of Mexico to the Pole; and within our own time!

One very simple STATUTE might be substituted in the room of numbers 10—47—126—135—163—186—216—291, all for the *appointment of parish and town officers*. In the new one I should recommend

dropping out the word *parish;* being confident, that no dominant church will ever thrive in Upper Canada. There is yet no *parish* in the province, and *township* appropriately denominates the territory attached to a *town*. In the town of Niagara, *churchwardens* are chosen at annual town meetings; but what have they to look after? a mean stone building, without steeple or bell, and which could not be kept warm in winter, but for the attendance of the military. The clause in ACT 10, regarding the appointment of churchwardens, runs thus: "As soon as there shall be any church built for the performance of divine service, according to the use of the church of England, with a parson or minister duly appointed thereto, then the said inhabitant householders shall choose and nominate one person, and the said parson or minister shall nominate one other person, which persons shall jointly serve the office of churchwarden, and that such townwardens or churchwardens, and their successors duly appointed shall be as a corporation, to represent the whole inhabitants of the township or parish, and, as such, may have property in goods or chattels of, or belonging to, the said parish, and shall and may sue, prosecute, or defend, in all presentments, indictments, or actions, for, and on the behalf of, the inhabitants of the said parish."—Fee, faw, fum!

There are *two* STATUTES, numbers 13 and 66, which regard *marriage;* but this branch of Canadian jurisprudence remained so little understood till a few days after my banishment, that several

godly divines were then tried and banished for fourteen years, from the province, for having wrongfully joined together male and female. One of the reverend gentlemen protesting against his sentence, said, that the Chief Justice had warranted his performance of the ceremony, and desired that he should descend from the bench, to be sworn as to the fact. His Honour refused to do this, and there was nothing for it but pardon from the Governor. Who pardoned all the poor sinners that for years had been getting bastards, and who legitimized these, was not determined when I bade farewell to Upper Canada.

The error has been in making marriage dependant on religious ceremony, and bestowing special rights of performing this on particular sects, instead of making it a mere civil contract in the eye of the law, to be settled and secured by public notice, sufficient evidence, and regular record. In Scotland, where nothing more is required by law to establish the marriage contract, than the bare acknowledgment of parties before witnesses, there has been less cavil and confusion than in England, where ecclesiastical rites interfere. I have in my possession the *Code Napoleon*, which is very particular in ordering a multitude of observances for securing the contract between man and wife. It is too particular; and, if still in force, I dare say half its injunctions are never observed. Men are continually bogging themselves in too much law.

There are, in the first place, to be taken into account, *twenty-nine* STATUTES for the imposition

and securing of taxes, by licensing shops and taverns for the sale of wines and spirits; licensing stills, billiard tables, hawkers, pedlars, &c.; besides duties raised by assessment. They are numbers 11—18—21—26—27—32—33—41—45—56—95—106—108—109—116—121—136—144—146—157—180—189—195—223—225—231—247—254—279. To these may be added, *eleven* for treating with Lower Canada, on the subject of duties upon goods shared between the provinces, viz. numbers 17—36—44—57—74—84—124—166—192—215—274: also *six* ACTS regarding trade with the United States, viz. numbers 61—80—85—99—147—273: in all *forty-six*, which I humbly conceive could with infinite benefit to the province, to say nothing of lightening the statute book, be all set aside for a single ACT of no great magnitude, an ACT to abolish all taxes, but one, upon land, which shall be more fully considered in the sequel.

The first *assessment tax* was levied on a plan set forth in STATUTE, number 11. Assessors made out lists of inhabitant householders, in their respective townships, divided into eight classes: the *first* class consisting of those, who, to the best of their knowledge, judgment, and belief, possessed property, real or personal, to the amount of 50*l.* and not 100*l.*: the *second* of those, who possessed to the amount of 100*l.* and not 150*l.*; and so on, every 50*l.* additional, raising the person assessed into a higher and higher class, till the value of property amounted to 400*l.* and upwards, where

the growing ratio of taxation ceased to rise. Persons not worth 50*l.* were classed in a list called the *excused list.* The assessment list being made out, signed by the assessor, and examined and certified by the signature of two justices of the peace, was a warrant for the collector to proceed in levying the tax; the list being also published, and a copy of it transmitted to the clerk of the peace. In case of grievance or error, appeal was to the next general quarter sessions. The rates authorized to be levied were as follow: for the *first* class, 2*s.* 6*d.*; for the *second* class, 5*s.*; and 7*s.* 6*d.*; 10*s.*; 12*s.* 6*d.*; 15*s.*; 17*s.* 6*d.*; and 20*s.* for the other classes respectively. The collectors paid the monies received to the district treasurer, and had three per cent. for collecting. The treasurer was appointed by justices of the peace, in quarter sessions; and had three per cent. on monies received. The above rates were to be levied annually for two years, and afterwards such proportional rates as justices should find requisite to meet public exigency. This act also provided wages to members of assembly, on plea of such being anciently paid to members of the British parliament.

STATUTE, number 27, amends number 11, by adding a 9th and 10th class of assessed householders, viz. such as possessed property to the amount of 450*l.* and not 500*l.*, and those who possessed 500*l.* and not 550*l.*; besides a further list called the *upper list,* consisting of inhabitant householders, having property to the amount of 500*l.* value and upwards; the 9th class to pay

1*l.* 2*s.* 6*d.*; the 10th class, 1*l.* 5*s.*; and those on the upper list at the rate of 5*s.* for every hundred pounds at which they stood assessed. The appellation of the *excused list* was done away, and that of *under list* substituted; the inhabitant householders on which, to pay 2*s.*, proportionally to be diminished under circumstances.

STATUTE, number 45, merely authorizes justices, in general sessions, to raise a rate, or, any aliquot part of a rate, for immediate exigencies.

STATUTE, number 109, introduced a new species of assessment; specified the various kinds of property to be taxed, at not more than one penny in the pound; and, gave a *form* for the particulars of assessment. Properties to be taxed were valued as follow:

	£.	s.	d.
Every acre of uncultivated land . .	0	1	0
Arable, meadow, and orchard . . .	1	0	0
Horses, three years old and upwards	8	0	0
Oxen of four years and upwards . .	4	0	0
Milch cows	3	0	0
Young horned cattle, from two to four years	1	0	0
Swine of one year and upwards . .	0	10	0
Grist mills, wrought by water, and having only one pair of stones .	150	0	0
Every additional pair of stones . .	300	0	0
Saw mills	100	0	0
Every merchant's shop	200	0	0
Every store-house for merchant's goods	100	0	0

	£.	s.	d.
Houses in town	40	0	0
Town lots in Sandwich, Amherstburgh, Queenston, Niagara, York, Kingston, Johnstown, and Cornwall	10	0	0
Houses in the country having two fire-places, and no more . . .	40	0	0
Houses, whether in town or country, having more than two fire-places; for every additional fire-place .	10	0	0
Every tavern, or house of entertainment, over and above the rate paid for the same as a house . . .	100	0	0
Every still used for the making spirits, for each gallon it contains . . .	1	0	0

Excepting his Majesty's property, and the uncultivated lands of infants and married women.

STATUTE 144, raised the valuation of uncultivated lands to 2*s.*; introduced distinctions in the values of different descriptions of houses; charged additional mill stones with 50*l.* per pair, instead of 300*l.*; introduced wind-mills at 100*l.*; stone horses, at 200*l.*; lowered the duty on stills to 5*s.* per gallon; valued billiard tables at 200*l.*; and vessels sailing, of eight tons burden, and upwards, at 50*l.*; left out the distinction between town and country-houses, the additional value on houses used as taverns, and the exception in favour of infants and married women.

STATUTE 195, made further alterations, and fixed the values of taxable property; thus,

	£.	s.	d.
Every acre of uncultivated land . . .	0	4	0
Ditto arable, pasture or meadow . .	1	0	0
Every town lot in Queenston, Niagara, York, and Kingston . . .	20	0	0
Cornwall, Sandwich, and Johnstown	10	0	0
Every house built with timber, squared or hewed on two sides, of one story in height, and not two stories, with not more than two fire-places	20	0	0
Every additional fire-place	1	0	0
Every dwelling-house built of squared or flatted timber, on two sides, of two stories in height, with not more than two fire-places . . .	30	0	0
Every additional fire-place	8	0	0
Every framed house under two stories, with not more than two fire-places	35	0	0
Every additional fire-place	5	0	0
Every brick or stone house, of one story in height, and not more than two fire-places	40	0	0
Every additional fire-place	10	0	0
Every framed, brick or stone house, of two stories in height, and not more than two fire-places . . .	60	0	0
Every additional fire-place	10	0	0
Every grist mill (wrought by water), with one pair of stones	150	0	0
Every additional pair	50	0	0
Every saw mill	100	0	0
Every merchant shop	200	0	0

	£.	s.	d.
Every store-house owned or occupied for the receiving and forwarding of goods, wares, and merchandise, for hire or gain	200	0	0
Every stone horse kept for the purpose of covering mares, for hire or gain	199	0	0
Every horse of the age of three years and upwards	8	0	0
Oxen of the age of four years and upwards, per head	4	0	0
Milk cows, per head	3	0	0
Horned cattle, from the age of two years to four years, per head . .	1	0	0

"Not to extend to property, goods, matters, or things herein mentioned or enumerated, which shall belong to, or be in the actual possession or occupation of his Majesty, his heirs or successors, except the lands and tenements in the possession of the lessees of the crown and clergy reserves, which shall be liable to the same rates and assessments as other lands, hereinbefore mentioned."

STATUTE 231, directs town lots in Niagara, Queenston, and Sandwich, to be no longer rated (I suppose, because of damage in war), and additional mill-stones to be valued at 200*l*. All the STATUTES regarding assessments direct as to sundry matters in the execution of the law, duties of collectors, &c. compensation for trouble, &c. &c.

Form of an Assessment for the Township for the Year commencing and ending the

NAMES.	ACRES OF LAND. Eastern District.* Uncultivated.	Eastern District.* Arable, Pasture, or Meadow.	Johnstown District.* Uncultivated.	Johnstown District.* Arable, Pasture, or Meadow.	HOUSES. Town Lots in Queenston, Niagara, York, and Kingston, at Twenty Pounds each.	Town Lots in Cornwall, Sandwich, and Johnstown, at Ten Pounds each.	Square or hewed Timber, on two Sides, one Story.	Additional Fire Places.	Square Timber, two Story.	Additional Fire Places.	Framed under two Story.	Additional Fire Places.	Brick or Stone of one Story, with not more than two Fire Places.	Additional Fire Places.	Brick or Stone of two Story, with not more than two Fire Places.	Additional Fire Places.	MILLS Wrought by Water, with one Pair of Stones.	Additional Pair of Stones.	Saw Mills.	Merchants' Shops.	Store Houses.	Stone Horses, three Years old and upwards.	Horses of three Years old and upwards.	Oxen of four Years and upwards.	Milch Cows.	Horned Cattle, from two to four.	Rate per Pound.	ASSESSMENT. £.	s.	d.
A																														
B																														
C																														

Two Hundred Persons (or as the Case may be) in the above-named Districts have the Property hereunder enumerated.

Aggregate.	Valuation.	Rate per Pound.	£.	s.	d.

* The real *form* contains a column, as above, for each district, and proprietors of land, wherever they reside in the province, enter their lands in the columns of the districts where it is situated respectively.

I have been thus particular in tracing and detailing the growth of the chief branch of taxation in Upper Canada, that the attention of the reader may be directed to, and fixed upon, the study of general principles, which should lead to the best and most efficient system. Man has been defined an imitating animal, an animal of habit, &c., and habit and imitation certainly bias him in a considerable degree. I observe, in reading over the Canadian statutes, several indications that imitation with total absence of the liberal reasoning faculties has mainly had to do in the conception and framing of some of these: in giving example, I shall at the same time send adrift two STATUTES, viz. numbers 149 and 177, for *preserving salmon* in the Midland and Newcastle districts, which never ought to have encumbered the book of law. In this island, small in compass, and thick with people, where great demand makes salmon scarce and dear, there may be propriety in restraining fishing at certain times, for the sake of salmon fry, &c.; but in Upper Canada, with six souls to the square mile, and thousands of streams with tangled and untrodden banks, how silly, how trifling, such meddling! I would lay my doublet to a farthing, that some poor little fish, of poor Little York, jealous of the very sports of boys, and wrapt up in his own solitary joy of hook and line, and fly, suggested these statutes for the preservation of salmon in imitation of our's. Oh! Little York. Oh! mitators, servile flock.

The whole code of assessments, duties, licences,

and so forth, smells in some degree of slavish imitation and habit. But, mark, that wherever there is any thing active or useful, or fit to be encouraged, it is seized upon by taxation. A *pedlar*, who, with the greatest economy, can serve the country girls with pins and ribbons, and keep them from gadding about to shops, and stores, and markets, is taxed; poor fellow! pity that he had not been an hereditary noble, and then he could have saved himself by a *veto* on such unthrifty imposition, laid on by the selfishness of sedentary merchants and shopkeepers, Legislative Councillors and Assembly men. Then, taxation seizes upon *trading vessels*. Oh! worse than imitators: then, it mounts with mounting *houses*, and suffers not the *young cattle* to grow up in freedom: all—all, because boroughmongers and sluggards of entail in Britain, have bothered their brains for ages to shift taxation from *idle* to *active* property—from the rich and lazy, to burthen, more and more, the shoulders of the middle ranks and labouring poor. What necessity had Canadian farmers so to befool themselves? "to cumber themselves with many things," and neglect "the one thing needful?" a rousing tax on land, and especially wild land. Imitation, habit, thoughtless stupidity, must all share the blame. But the climax of folly and weakness was not reached when the statutes, whose titles have been laid before the reader, were enacted. In the session of 1820, the parliament of Upper Canada imposed a heavy duty on the *importation of grain* from the United States! Could they possibly have published a

stronger proof of the wretched condition of the province—of their own illiberality and ignorance? With a soil and climate equal to those of their neighbours in the States, and with all the additional advantages from British connexion, they cannot compete, with these their neighbours, in the production of grain! When emigrants were crowding into Canada—poor emigrants needing grain for seed and subsistence; as cheap as possible,—then, the provincial legislators imitate the British parliament in its most disgraceful, most impolitic, most ruinous measure; they pass a *corn bill* to starve the poor, and do themselves no good whatever. Nay, what happened? (I speak from private information received from America in May, 1821). There was really scarcity of corn in Canada last winter, and from an extraordinary freezing and breaking up of ice in the rivers, a supply could not be afforded, even of the taxed produce of the States, while many were distressed with want.

As with us, so in Canada, taxation is made greatly to contribute to government patronage and favouritism. Ports of entry and collectors, inspectors of licences, &c. &c. are appointed to harass business, impede the freedom of trade, increase the Governor's power, and multiply around him sycophants and betrayers of the people's rights. Oh, that I could open the eyes of my brother farmers in the province to all the abominations which have grown up, in, about, and around, them. They are poor, and decaying, and

dull, and deathlike, though blessed by nature with the finest country under heaven—all for want of thought and an efficient system of taxation. In nothing is Upper Canada more behind than in good *roads;* yet here are *eight* Acts of parliament, specially for the laying out, making, and mending of these. Numbers 12—30—69—90—161—175—206—284. When a new and efficient system of taxation is introduced, all these acts would be well exchanged for a new and simple one. In the Genesee country, on the south shore of Lake Ontario, which began settling eight or ten years after Upper Canada, capital turnpike roads have been introduced, and, for a hundred miles west of Utica, the great road is so good, that stage coaches can run with equal speed and safety as in England. In Canada I know not of a single mile of road so made, as to be proof against a wet season.

The Statute, number 15, may now, I believe, without hesitation be expunged; there not being, I suppose, a single *slave** in the province: but one observation may be bestowed upon it previous to annihilation. Though by the first act of the provincial parliament, the poor-laws of England were specially guarded against, there is a clause in the *slave* Act, which runs thus: "That whenever any master or mistress shall liberate or release any person subject to the condition of a slave from

* I mean a human being who can be sold. As to political liberty, there are none else but slaves, and of their own making too!

their service, they shall, at the same time, give good and sufficient security to the church or town wardens of the parish or township where they live, that the person so released by them shall not become chargeable to the same, or any other parish or township." Over the top of this clause should have been written, the Scotch motto, *mak sicker*.

We now get among the *wolves* and *bears*, for whose destruction were enacted numbers 19—43—103—139—168; with as much rational hope of success as might have attended a like number of statutes for lowering the waters of Lake Ontario by drainage. Any man conversant with history might have known that it was only by an extraordinary measure that wolves were eradicated from Wales, a small district, with very little wood; and that all the efforts of a thick population have not succeeded up to this day in making them scarce in France and Germany, where there are only insulated forests. How vain then to make any thing like a regular attempt in Canada, backed by a boundless wilderness. Though ten thousand wolves were annually killed on the frontiers of the forests of the west, ten thousand would immediately supply their room from its deeper recesses, to devour the food which the vacant space would supply. It disturbs that gravity, which should attend upon law studies, to observe in statute, number 169, page 242, that, special care is taken to exclude Indians from any reward for the destruction of wolves. Undoubtedly, Indians were the best troops to be employed in this service; but the

sapient legislators were justly timorous, lest so many wolves should be killed as completely to beggar the provincial treasury!

Alongside of the wolf-destroying STATUTES may most aptly be placed those for encouraging the growth and cultivation of hemp. Numbers 158 and 182, with *six* others, granting money for this purpose. This absurdity we must not wholly rest on the shoulders of the simple Canadians. They were simple indeed to be voting away the public money, as they did by ACTS, number 97—120—158—204—243—277: but it was a patriotic measure; and blindness may be allowable in matters so elevated and pure. No doubt they were spurred on by our home ministers, who should have known better. The failure produced more beneficial effects than would have waited on success. Could a sufficiency of hemp for our naval wants have been procured in Canada, then the northern coalition might have been rendered strong and permanent. The Russians, seeing themselves certainly cut out of a market for their produce, might have got desperate, and assisted Emperor Paul with their idle hands for our destruction. But necessity, nature, and natural wants, if not absolutely bound down, will do much to break through the bonds of caprice, and ill-digested policy. Canada could not possibly supply us with hemp, on any thing like equal terms that Russia could do, for obvious reasons. The soil of Russia is equally good for the growth of hemp, if not

superior, to that of Canada; while labour, there, is not only at command, but five times cheaper than in Canada. The smaller cost of conveyance was also greatly in favour of Russia. In short, competition, on the part of Canada, had not a chance, while the smallest hope remained that, by any means, the produce of the respective countries could meet in the same mart. There was good from failure on all sides. The Russian nobility could have no luxuries without trade with Britain, and while their hemp lay on hand. The offers of our merchants increasing became more and more tantalizing, till the mad Emperor was suffocated, and trade was free. A little inquiry, and a little consideration, and a little pen and ink calculation, might have convinced our ministers that their hope of getting cheap hemp from Canada was vain; and, at the present moment, a little consideration may convince them of still greater and more hopeless vanities—may guard, at once themselves and us, from the chance of any thing like so shocking a catastrophe as that which befell in Russia.

The *appointing of returning officers*, provided for in ACTS number 20—79—154—207—248—261, and what concerns the *election of Members of Assembly*, their qualifications, and so forth, detailed in ACTS number 35—73—77—160—222—285, may all be made clear in a single ACT of two pages. At the last election a very proper regulation was observed, viz. that of electing all the

members on the same day. The representative system is complete in Canada, and by and by will be effective.

Numbers 25—58—64—100—105—138—142—229, regard *practitioners of the law*, and *the incorporation of a society* of "*learned friends.*" It would be well to sweep them all off; and in enacting ONE for all, the chief consideration should be to prevent the *learned friends* from laying their heads too close together. I had an intention of entering at the Temple, to qualify for law practice in Canada; but, on consultation, found that under the cloud of banishment, I should be objected to; and that, at any rate, admission rested with the Society of Benchers. This society was, I believe, at first self-constituted, and perhaps has not been capricious as to students: at the same time, I cannot see that arbitrary power over such a matter should be vested in any society. Lawyers have got the upper hand of us, certainly. They have indeed "taken away the key of knowledge." Yet I can see no absolute impossibility of wrenching it from them; and, on my return to Upper Canada, with health and strength, shall make at least, there, a feeble attempt. Once seated in the Assembly, I think the "key of knowledge" could be got hold of; and, aided by brother farmers, perhaps "a long pull, a strong pull, and a pull all together," may secure it. It is, indeed, the top of my ambition to get possession of this key. That I have no strong hold, at present,

must be observable to all my readers; but *order, perseverance,* and *hope,* are good help-fellows.

The practice of *physic* and *surgery* has been regarded in three STATUTES, numbers 34—132—236; number 34 made it necessary for practitioners to be examined and licensed by certain regular-bred surgeons appointed by the Governor, excepting those who had a degree from any university in his Majesty's dominions, who, in their own right, could practise: and unqualified persons practising in surgery, midwifery, &c. were subject to a fine of 10l. for every offence. Now, the fact was, that few men who could stand the examination of such as were regularly bred and well educated, and fewer still who had received a degree at a university, *would* practise. Nobody above the rank of a common cowleech would travel round a circle of forty or fifty miles, in the wilderness, for the pittance which could be collected long after this law was made; and, save in the larger villages, Kingston, Niagara, and York, nothing like a genteel subsistence could be obtained. How absurd then to think of preventing the remotely scattered people from choosing whom they liked to draw their teeth, blood, and blister them! How absurd, how cruel, how meddling, that a poor woman in labour could not have assistance from a handy, sagacious neighbour, without this neighbour being liable to be informed upon, and fined. This absurdity was not sufficiently perceived for ten years, and then the ACT

was repealed by number 132, in 1806. In 1815 the law-making itch again came to a head, and produced number 236, which prevents persons from prescribing to the sick or practising surgery, or midwifery, (now excepting women) under a penalty of 100l., unless licensed by a board of surgeons appointed by the Governor, or those having a degree. But even now, the state of society resulting from the wretched state of property, makes this law more oppressive than beneficial.

While I was in Canada, men of education, talents, and experience, came from home to settle there; but it would not do, and many of them have left the province. A country surgeon at home has hard work of it. What may he be supposed to have where population does not amount to seven *bodies* to the square mile? and where fees must be received per the barrel or the bushel; perhaps in *lumber*. For my part, I see no occasion to have any restraining law as to the practice of physic or surgery in any country. Instances of mischief from unlettered empirics have no doubt occurred; but law will not prevent such; while perfect freedom in this, as in trade of all sorts, has many advantages. If a medical man has obtained a diploma, so much the better for him. It will give confidence to his first employers; but it must require practice on his part, and experience of his success on that of the public, to establish his merits. An invalid, in short, should be allowed to choose his own doctor; and, as his purse

will allow, to pay a five guinea or five farthing fee.

Mankind, in all ages and countries, have had an avidity to legislate over-much. The sumptuary laws of some countries, and innumerable absurdities on the British statute-book, witness this: but I have descanted more on the instance immediately before us, to draw attention to the misery and inconvenience which result from a new country, being settled as Upper Canada has been, —planted with people at the rate of one family per mile square.

No less than *ten* ACTS have been made for securing *titles to lands, registering deeds*, &c. &c. viz. numbers 38—48—53—71—93—101—122—159—205—266, and *five* for the better division of the province and establishing boundary lines, viz. numbers 62—63—67—246—264. When we look back into the history of old countries, and observe how landed property was first established; how it was seized upon, pulled about, given away, and divided, in all sorts of ways, shapes, and quantities; how it was bequeathed, burthened, entailed, and leased in a hundred forms: when we consider how dark were the days of antiquity,—how grossly ignorant and savage were our remote forefathers, we cannot be so much surprised at finding ourselves heirs to confusion; and, that, in these old countries, entanglement continues to be the order of the day. But when civilized men were quietly and peaceably to enter into the occupancy of a new region, where all could be adjusted

by the square and compass; and where order, from the beginning, could have prevented for ever all possibility of doubt, and dispute, and disturbance; how deplorable is it to know, that in less than a life-time, even the simplest affairs should get into confusion! and so it is already in Upper Canada, to a lamentable degree. Boundaries of land are doubtful and disputed: deeds have been mislaid, lost, confounded, forged: they have been passed again and again in review before commissioners: they have been blotted and blurred: they have got into the repositories of attornies and pettifogging lawyers; while courts of justice are every day adding doubt to doubt, delay to delay, and confusion to confusion; with costs, charges, cheating.

Things are not yet beyond the reach of amendment, even in the old settlements. In the new, what a glorious task is it to devise plans for lasting peace and prosperity!—to arrange in such a way, as to bar out a world of turmoil in times to come!

The present very unprofitable and comfortless condition of Upper Canada must be traced back to the first operations of Simcoe. With all his honesty, and energy, and zeal for settling the province, he had really no sound views on the subject; and he was infinitely too lavish in disposing of the land—infinitely too much hurried in all his proceedings. In giving away land to individuals, no doubt, he thought he would give these individuals an interest in the improvement of the country,—an inducement to settle in it, and draw

to it settlers; but he did not consider the character and condition of most of his favourites; many of them officers in the army, whose habits did not accord with business, and less still with solitude and the wilderness; whose hearts were in England, and whose wishes were intent on retirement thither. Most of them did retire from Upper Canada, and considering, as was really the case, their land grants of little value, forgot and neglected them. This was attended with many bad consequences. Their lands became bars to improvement: as owners they were not known; could not be heard of; could not be applied to, or consulted with, about any measure for public advantage. Their promises under the Governor's hand, their land board certificates, their deeds, were flung about and neglected. But mischief greater than all this, arose, is, and will be, from the badness of surveys. Such was the haste to get land given away, that ignorant and careless men were employed to measure it out, and such a mess did they make of their land-measuring, that one of the present surveyors informed me, that in running new lines over a great extent of the province, he found spare room for a whole township in the midst of those laid out at an early period. It may readily be conceived, upon consideration of this fact, what blundering has been committed, and what mistakes stand for correction. Boundary lines in the wilderness are marked by *blazing*, as it is called, that is, chopping off with an axe, a little bark from such trees as stand nearest to the line.

Careless surveyors can readily be supposed to depart wide of the truth with this blazing: their measuring chains cannot run very straight, and their compass needles, where these are called in aid, may be greatly diverted from the right direction by ferruginous substances in the neighbourhood, as spoken of, vol. i. p. 493. In short, numerous mistakes and errors of survey have been made and discovered: much dispute has arisen therefrom; and I have been told infinite mischief is still in store. It occurred to me, while in Canada, and it was one of the objects which, had a commission come home, I meant to have pressed on the notice of government, that a complete new survey and map of the province should be executed; and at the same time a book, after the manner of Doomsday-book, written out and published, setting forth all the original grants, and describing briefly but surely all property both public and private. I would yet most seriously recommend such to be set about. It might be expensive now; but would assuredly save, in time to come, a pound for every penny of its cost. To proprietors of Canadian lands, who reside in Britain, I would more particularly advise the forwarding of this necessary measure, for they may depend upon it that blazing may be outblazed, and absentees ousted by roguish residents. How easy, even for a single axeman in the lone and remote wood, to cut down the originally blazed timber, and blaze afresh in a

very different direction! The lawyers of Upper Canada will have an abundant harvest before them, if nothing is done to cure this evil. I do my duty in presenting it as a very great one. A new survey, Doomsday-book, and well-ordered registries, might, after a little exertion, settle for ever, all disputes as to boundary lines, land deeds, &c. in the old settlement; and wholly prevent them in the new. Then *one* ACT of Parliament would be a good substitute for the *ten* pointed at above.

Six ACTS regulate *coins*, *interest*, and the circulation of *government bills*, &c. viz. numbers 39—173—196—208—220—270. *One* ACT might easily be framed to comprehend all necessary law as to these matters. A staunch friend to freedom of trade in every thing, I should like to see the *interest* of *money* left to find its own level. At present, in Upper Canada, legal interest is 6 per cent. As to coins there is very great confusion in the province; and could prejudice be got over, it would be well to adopt dollars and cents as the standard. They would tally as well with our sovereigns as Halifax currency, and in transacting business with the United States, would be advantageous. In the State of New York much confusion is kept up by individuals adhering to pounds, shillings, and pence, New York currency, instead of uniformly reckoning by dollars and cents. In Canada dollars and cents, Halifax, and York currency, are all resorted to, confusing and confounding.

On the *Sedition* Acts, viz. number 46, which was continued by numbers 70—81—110; and then swallowed up, and vomited again in the abiding monster, number 224, I have nothing now to say. In the United States the very word *sedition* is exploded.

Statute, number 60, provides for the *apprehension of felons* escaping from any of his Majesty's provinces in North America; and it would be a matter of much consequence were a liberal understanding to be brought about between the British and American governments, for the apprehension of all persons escaping from justice, to and from the respective countries. I do not see why such could not be made as easy between two nations as between two adjoining districts of the same nation. Between Canada and the States it is loudly called for.

Of 56 Acts (numbers 92—97—115—117—118—119—120—129—130—131—133—134—137—145—151—152—153—155—170—172—174—176—181—187—188—191—198—201—202—203—204—214—218—221—227—230—234—238—239—240—241—243—253—259—267—268—269—271—272—275—277—281—282—283—287—290), for the appropriation of public money, little need be said, save this, that in the new, improved, and abridged Statute Book, price *two-pence*, they need not occupy space beyond what is required to make known the object and amount of the sums voted. The first tax raised by statute in the province, was appropriated

to pay the members of Assembly, and this is provided for by five Acts. Supposing that parliaments, for the twenty-five years in which the foregoing statutes were passed, sat six weeks upon an average, and had twenty members in attendance at 10s. per day, the amount of charge would be 10,500l. In 1801 the salaries of the officers of Parliament stood thus; per annum:

	£.
Clerk of the Legislative Council -	145
Usher of the Black Rod - -	50
Master in Chancery, attending the Legislative Council - - - -	50
Chaplain of the Legislative Council - -	50
Door-Keeper of Ditto - -	20
Speaker of the House of Assembly -	200
Clerk of Ditto - - - -	125
Serjeant at Arms - - -	50
Chaplain of the House of Assembly -	50
Door-Keeper of Ditto - - -	20
Copying Clerks - - -	50
	£. 805

These salaries were afterwards increased: that of the Speaker to 400; and, together with contingent expences, were provided for by *twenty-one* Acts. A regular estimate of government expences, with the neat annual supply, is not published in Upper Canada; and neither the one nor the other can be ascertained from what appears in the Statute Book. After my friends of the Assembly peruse this I hope they will be so good as

have these matters annually laid before the House, and published. Supposing the above 805l. was made up to 1000l. for contingent and other expences, annually incurred by the sitting of the legislature, then we have 35,500l. at least, to reckon upon as the cost of the 293 statutes of Upper Canada, whose titles are given above. Are they a good bargain? Or must we look to the whole concern through the "gross of green spectacles," for which the younger son of Parson Primrose sold the old mare? No, I have yet in hold *one* ACT to be particularly noticed, which is worth all the money, and more, say 50,000l. which I doubt not the statutes of Upper Canada cost up to 1817, including increased salaries, a house for the accommodation of the legislature, the statute book of England, a library, and printing of the statutes: I mean the ACT for establishing common schools, number 281. The other ACTS, numbers 72—143—165 and 244, are of inferior stamp. Number 72 provides for the education and support of orphan children. It allows the town-wardens of any township, with the consent of two justices of peace, to bind and apprentice children deserted by parents; males till twenty-one, and females till eighteen years of age. It also allows mothers to do the same, where the father abandons his child; but in case relations of any child or children are able and willing to bring them up, then no power rests with town-wardens; and none having attained the age of fourteen years are liable to be apprenticed, unless he, she, or they consent thereto. This ACT

seems humane; but it is just one of those *meddling* laws which have done so much mischief in England, in the poor-law system, and would better be expunged. In Scotland there are none of these legal interferences, and I never heard of an orphan that was left destitute. Numbers 143 and 165 regard the District Schools. These could not benefit the mass of the people who were taxed to maintain them. They were complained of, and produced little good. The institution of these before common schools was beginning at the wrong end. Number 244 was enacted in 1815, to aid the endeavours of a society in England, designated "The Committee for promoting the Education of the Poor in Upper and Lower Canada." This subject leads me to make a few general remarks as to societies in England for foreign charities. These societies are generally composed of idle, vain, and wealthy people in London, got together by wrong-headed zealots, officious persons, or *cunning ones*, who can make a little something by transacting the business. Their scheme grows big upon its voyage to a colony, and shallow folks there are in plenty to puff it off. It is puffed off, and expires; having been begotten without stamina or understanding, without inquiry into circumstances, or regard to first principles and facts. The person who originated "The Committee for promoting the Education of the Poor in Upper and Lower Canada," had not possessed a particle of knowledge as to the state of these provinces. He had known nothing of the cause of poverty in Canada, if po-

verty there was; he had known nothing of the condition of the people there; and he had been wholly ignorant as to the impossibility of his efforts doing any thing like general good. In the town of Kingston, where a subscription was entered into, to forward the views of the English Committee, and from whence proceeded the application for an act of Parliament, there might be some scores of bastards, sprung from the military and naval establishments, and some hundreds of vicious individuals with families collected together from all quarters by the lavish expenditure of government money, during the war. There was, and is, in that town, poverty and wretchedness, just from the same cause that produces these in Wapping and Portsmouth-point; but there was no want of schools of all sorts (see the two Kingston Reports, vol. i. pages 470 and 477), and money was more plenty in Kingston, when the English Committee sent out its puff, than in any part of England. In Kingston there was scope for a few individuals doing benevolent acts, but their holding correspondence with England for such purpose was not necessary; neither need they have troubled the Provincial Legislature. Out of the few towns, or rather villages, viz. Kingston, Niagara, Little York, &c. the population of Upper Canada was scattered about at the rate of seven souls or less to the square mile. How, in such a country, could an English committee or a Canadian incorporation promote the education of the *poor?* In that country it was not *poverty* which

prevented the children from being educated, but the situation in which the people were placed by the *state of property*; and here too, as I have before mentioned, vol. i. page 461, we have the cause of the paucity of religious institutions, and the abundance of full grown pagans. If people in England wish to promote education, religion, and morality in Canada, let them attend to what will improve the state of property, and condense the population. Then, in the natural order of things, all will go well.

Having said thus much as to the lesser acts of Upper Canada, which regard education, it is with infinite delight I call attention to the great one which has appeared at length, page 277. This ACT was worth £50,000 to the people of Upper Canada, as before said; and it would be worth ten times that sum to England, if adopted next session of parliament, instead of the monstrous stuff lately shaped into a bill by Mr. Brougham. When I heard that Mr. Brougham had corresponded with *fifteen thousand parsons*, on the subject of educating the poor of England, it puzzled me to think what would be the result. Now I am satisfied. Mr. Brougham, I conceive, wished first to get the good will of the parsons to the general measure, and then give them the go-by. He has, since his bill was introduced into the House, spoken fairly out, and declared that there was "too much religion in the schools of Mr. Owen at New Lanark," as much as to say, that religion should have nothing to do with public schools; and certainly the dog-

mas of particular sects should have no controul over those supported by the public purse. Young people are allowed to be initiated into every trade —to be taught every mechanical art without the interference of the clergy. So, also, may they be taught the art of reading and writing with equal freedom and safety. When parish schools were first instituted in Scotland, during the 17th century, the great mass of the people were of one way of thinking in religion, and there was no objection to giving ministers and elders of the kirk a charge over the schools. Now, it is altogether different; and Mr. Brougham has found the dissenters adverse to his scheme; as well they may be. Will dissenters—will any sensible class of people object to public schools on the plan of the Canadian Act? I cannot think it. This plan admits of every sect suiting itself out of the common fund. If Episcopalians can bring forward a sufficiency of scholars, they may have the stated allowance for a schoolmaster; and nobody will interfere with their cramming into their children the Athanasian creed. If Presbyterians can bring forward the requisite number of scholars, then they will have the allowance, and be suffered to go on with the apostles' creed, only: while Quakers will do without any creed, nobody troubling them. In England, £30. a year, instead of £25. might be allowed as schoolmaster's salary; and forty scholars instead of twenty be required for obtaining it. All this, however, would be easily settled. In twenty years, I am convinced, legal provision for schools might be

dropped. Legal provision is only required till the mass of the people become sufficiently enlightened; and then they will best educate their children without either aid or interference. Was the provision for parish schools in Scotland now withdrawn, I question if schools would become either less respectable or fewer in number. I would hope not.

The Canadian plan could be adopted and acted upon at the same moment. It requires no immediate vote of money. It needs but a guarantee that the money will be payable when called for under the declared stipulations, and this would come on gradually. It requires neither money nor consideration for providing school-houses. The people would take care of all this, and suit themselves, as taste, convenience, and situation required. The whole business would regulate itself, and go on smoothly: it would proceed just so far as the public feeling was inclined to carry it: a fair opportunity would be given to all; and, the Act might be amended or repealed without occasioning either extraordinary bustle, or unnecessary expense*.

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* I have not seen Mr. Brougham's Education Bill; but take the following abstract of its chief clauses from a newspaper, which I presume is correct, in order to form a contrast, with the beautiful simplicity of the Canadian plan.

"1st. There may be one, two, or three, not more than three, schools, established in one parish, or chapelry.

"2d. The clergyman or others may present to the grand jury

The Upper Canada school Act was, I believe, borrowed, in substance, from the state of New-

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of the quarter sessions, in form of a complaint, the non-existence or insufficiency of such schools.

" 3d. The parish may oppose, but at their expense, the presentment.

" 4th. The number, whether one school or more, to be provided, to be determined by magistrates at quarter sessions.

" 5th. For expense of building each school, £200., to be allowed out of consolidated fund; the surplus out of the county rates; this for a house, school-room, and garden, for the master, but no maximum fixed for the expense.

" 6th. The master must be *bona fide* a member of the church of England.

" 7th. To be eligible at twenty-four years of age; must have testimonials from the clergyman of the parish, before he can be put in nomination as a candidate.

" 8th. The master to be chosen by three-fourths of the parish, at a vestry meeting—a veto to remain with the clergyman; the elective franchise nominally in the parish, but really with the clergyman, as the master, when chosen, may be sent back to the parish as often as they choose him, until the clergyman is satisfied.

" 9th. Salary of the master from £20 to £30 per annum.

" 10th. Eight pounds a year may be added in lieu of a garden.

" 11th. If two-thirds of the parish think proper, they may increase the master's salary £20, above £30.

" 12th. There is to be, besides this salary to the master, school wages, called quarter pence, to be fixed by the clergyman and churchwardens, not less than one penny per week, nor more than four-pence for each child.

" 13th. Pauper's children to pay one penny per week.

" 14th. Master's salary and repairs to be paid out of rates, to be called a school rate, levied on land and houses, in same ratio as present poor-rates.

" 15th. The master may be superannuated or pensioned at three-fourths of his salary, after fifteen years service, by order of

York; but, is no worse for that; and we need not be ashamed to borrow at second hand from one of our own colonies, knowing that "out of the mouths of babes and sucklings proceeds knowledge." Dr. Bell brought his system of education from the East Indies: it flags. Let us now draw refreshment from the west. With a few modifications, the Canadian Act would suit England delightfully. The objections spoken of by Mr. Crooks, vol. i. pages 433 and 434, would have no place here. We should have no difficulty in procuring respectable schoolmasters; and Noah Webster would not interfere with Lindley Murray. The prayer of my petition, which has appeared in the General Introduction, would of course be at-

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the bishop of the diocese, or his ordinary; pension to be paid by the parish.

"16th. The clergyman to superintend the schools gratuitously, and direct the master in choice of lessons, from the Bible and Liturgy, which are to be text books of the schools.

"17th. Church of England catechism to be taught on Sunday evenings; and one half day in the week. Dissenters' children may absent themselves at those periods.

"18th. Any man's house, building, land, or garden, may be taken away for the school building, at a month's notice, at a price to be determined on by a jury.

"19th. The Bill to extend to England and Wales.

"20th. All litigation arising out of this new establishment, either between the parishioners, or with the masters or clergymen, to be settled at quarter sessions. No appeal by *certiorari* to Court of King's Bench, as at present."

It is scarcely possible to suppose Mr. Brougham serious in these proposals.

tended to. The children of paupers, from seven to twelve years of age, would be respited from labour while kept at school; and several other regulations, which might be requisite, till pauperism was extinct, would readily be adopted. But let us return to America. And here I have a question of high importance to settle—an error of long standing, and great authority, to put down.

At an early period of British dominion in America, blocks of wild land were set apart, to make provision, by a future day, for public institutions, judged essential to the well being and perfection of society. Since the revolution, the United States have followed out, in part, this practice, by allotting land for schools, and in Canada whole townships have been appropriated for the same purpose, to say nothing of the crown and clergy reserves. It is altogether delusive; and has been productive of much annoyance and disappointment. It is indeed truly surprising that the fallacy of such a measure has not been perceived by Americans. People on this side the Atlantic may be excused. Here we see land set aside for all sorts of purposes—for maintaining schools, hospitals, churches, and what not? We see land thus appropriated answering the end; and, without considering the difference of circumstances, fly off with a conclusion that appropriations of land in the wilderness of America, will prove equally effective as at home. The Edinburgh Review has given in to this error. Not long ago I read in that oracle of wisdom, an approval of the American plan of

setting out land, to secure the benefit of education to future generations. The plan is wrong in every way. It creates a species of entail; a barring out from the market, property which should be left to the operation of free trade: it presumes to dictate where there is no right to dictate: it puts restraint upon the free course of nature and improvement. Were the Jews in the Stock Exchange to get possession of half the land of England through mortgage, and then to indulge a whim of appropriating all the rents to teaching Hebrew, and re-establishing Judaism, what would be said? But this view of the matter is not what I now particularly wish to call attention to. I wish to draw attention to a grossly stupid piece of policy, which does a mighty deal of mischief, without the chance of accomplishing any good. I allude to the practice prevalent in America, of setting apart wild land for the maintenance of contemplated public institutions; and I should be glad to have the Edinburgh Review convinced of this error in political economy, that a strong arm may be put forth for its correction.

All land in Britain will bring a certain clear rent in money, owing to the great demand from our confined and dense population. In America land is so abundant, that it can be let only on *shares*. None but poor men will take it; and they must generally be assisted with stock by the proprietor. It was once so in Scotland under the name of *steel bow*. The tenant is little else than a labourer for the proprietor. He is only hired in a particular

way, which saves the trouble of tasking and oversight. He is a tenant at will—his *own* will, and makes but a temporary convenience of the farm he rents. As soon as he gets a little money, and becomes able sufficiently to stock a farm, he will no longer submit to be a tenant. He can immediately get land of his own on credit; and after a very few years can pay its price out of the profits of his industry. Under such circumstances, and such circumstances must long exist in America, there can be few or no mere money renters—no farms let as with us, without trouble to the landlord, and for a series of years.

In America, the landlord who lets must be close at hand, supplying seed, implements, cattle; or, in the very simplest way, ready to take into his barn the various kinds of produce for rent as they are harvested. Now, when wild land is appropriated for any public purpose, what is it to produce? who is to stock it, or gather together rent in raw produce? who is to take it for cultivation without assistance? especially if it lays together in great quantity. Setting aside whole townships, as has been done in Upper Canada, for schools, was absolute folly; and, it is perfectly astonishing how men on the spot could not discover this. Even the more cunning plan of intermixing every two hundred acres of crown and clergy reserves with the gifted lands has not succeeded. These reserves have drawn but a mere trifle in money—a few dollars per lot, and that only for the sake of the timber which, during

war time, had a value, but now is worth nothing. In Canada, excellent wild land could be purchased, when I left the country, for a dollar an acre, or could be had for a mere *promise* of a little more to be paid by instalments. Now, any man that can occupy a crown or clergy reserve, can occupy a lot on purchase, and no man but an idiot would choose the former. A purchaser, to a certainty, if he is at all industrious, can clear the price of his land in six or eight years; and be settled for ever, without further change or charge, while the tenant of a reserve must yield up every thing at a given term—fields which he has cleared, and buildings which he has erected. The poor man who rents on shares is better than he. His labour is bestowed on fields already cleared; and he can quit at any time, without regret for what he leaves behind. Some large proprietors of land in America have tried to lease out their lands, but it does not succeed. To have profit, they must sell it outright; and *they* have made most who have most freely sold. In short, land in America, or in any other new country, can have little value till it becomes private property, and is occupied by the owner. This is an important truth,—a truth which I am anxious should be attended to, not only for the sake of establishing a right principle for the settlement of Canada, but of our immense territories in every quarter of the globe. The British nation is the greatest landowner in the world; but up to the present time we have fooled away our foreign possessions:

we have marred our settlements: we have made them sinks for wealth, instead of sources from which it may be drawn. Nay, what is worse than waste of treasure, we have rusticated, and enfeebled, and vitiated our transplanted stock of men,—all from inattention to certain simple truths which regard the state of property. Let this be well understood, and well regulated, then wonders may be effected;—every other good, indeed, would follow of course. Mankind do not require coercion for improvement so much as is thought. It is not necessary for this generation to prescribe for the good of the next, so far as property is concerned. Let that go free from father to son; and it will be put to better and better use, as society advances in knowledge and refinement. The School Act of Upper Canada is a glorious proof of the natural disposition of mankind to promote education—of what may be expected from voluntary effort.

Considering that the Canadians are the poorest people of North America, the vote of money for that purpose is liberal in the extreme; and pity it is that the state of property should render the effort in any respect abortive. It has greatly done so. In many parts, population is so thin that the required number of children cannot be got together, to give those willing to take advantage of the Act an opportunity of benefiting by it. It has hence been complained of; and it was thought might even be allowed to expire. I hope it is revived; and that

it will be maintained till property is well arranged, and society strong.

In the United States, opposite to Canada, where property has been exposed to free sale, where it has not been gifted away to drones, nor held back from cultivation by reserves for church and state, public institutions are in the most thriving condition. In every quarter excellent schools are established, and in every village we see an elegant church, in some two, in some three; all well endowed, and occupied with zealous, well-educated ministers, solely from the voluntary contributions of the people. In Canada, which began to settle eight or ten years sooner, and had all along assistance from the British government; in Canada, cursed with reserves and unoccupied lands of all sorts, we witness a melancholy difference: from end to end, schools feeble even with liberal provision, and not a single place of worship approaching to elegance,—neither a steeple nor a bell. These effects, so different, have resulted mainly from the difference in the state of property; and could I succeed in rousing attention to the simple governing principle,—in bringing about a complete change of policy, so that a people hitherto enveloped in darkness and unnecessary toils, could see the light and get free, little indeed should I grudge all the miseries I have sustained in making the attempt. It is the simplicity of my remedies which warrants hope; yet there seems a continual warfare among mankind against simplicity in government. Let me repeat, nevertheless, that the right ordering of

property, and an effective system of taxation, can accomplish every desirable end.

In conjunction with the common schools of Upper Canada, the District Schools, if well appointed, might be productive of much good; and I should propose measures by which the maintenance of these, out of public funds, would be fair and politic, which is not the case at present, while only the wealthier classes, and a few others residing near those schools, can have benefit from them. I should propose that one boy, the best scholar of each township, should be annually sent up to the District Schools, and there educated at the public charge for one year: at the end of which time to have an opportunity of gaining another year's education at the public expense, and so a third with superior merit, ascertained by fair competition and impartial decision: the scheme to carry forward a certain number of the best scholars to a free attendance at a British University. Thus, suppose 200 boys from 200 townships, sent up to ten District Schools, at the cost of 20*l.* per annum each,

	£.
	4,000
100 of these boys kept on a second year	2,000
50 kept on a third year - - -	1,000
25 sent annually to Britain, to remain at the public expense four years, at the rate of 100*l.* per annum, including travelling expences to and from - -	10,000
	£. 17,000

Does this scheme seem extravagant, or vain, or

hopeless? I think not; and the only question I would further put, on the part of my friends in Canada, is this: would it pay? There is no doubt but it would. We must not look to the improvement of the youths who have the benefit, direct. We must consider the sum of excitement which would be produced in all the schools; the laudable ambition, the industry, the effort, which would be communicated throughout, upwards to Dux, and downwards to the greatest Dult.

It has been proposed to have a college in Upper Canada; and no doubt colleges will in time grow up there. At present, and for a considerable period to come, any effort to found a college would prove abortive. There could neither be got masters nor scholars to ensure tolerable commencement for ten years to come; and a feeble beginning might beget a feeble race of teachers and pupils. In the United States, academies and colleges, though fast improving, are yet but raw; and greatly inferior to those in Britain, generally speaking. Twenty-five lads sent annually at public charge from Upper Canada to British universities, would draw after them many more. The youths themselves, generally, would become desirous of making a voyage in quest of learning.—Crossing the ocean on such an errand, would elevate their ideas, and stir them up to extraordinary exertions. They would become finished preachers, lawyers, physicians, merchants; and returning to their native country, would repay in wisdom what was expended in goodness and liberality. What more especially invites the adop-

tion of such a scheme, is the amiable and affectionate connexion which it would tend to establish between Canada and Britain. But it will not do at present to follow out the idea.

From my banishment here at home, a home which yet carries the palm of superiority in arts and sciences, before the whole world, I dedicate the hint to those Canadians who may yet think well of me; and, since the province has the honour of having framed one excellent ACT of legislation, may it continue to mount to excellence, by fostering liberal sentiments, without which man is inferior to the beasts that perish.

In capacity of reviewer, I should be sorry to pass over any thing in my compilation, which requires special notice, either for correction or commendation. Every body will be pleased with the picture of Simcoe's Government, by Rochefoucault. No doubt many have perused it before; but the Duke's Travels are not in many hands, and as the fate of Canada must soon come into serious public notice, it is well to have before us the sentiments of a very superior man, a foreigner, and one, who, at an early period, took an impartial view of the political circumstances of that country. All the Duke of Rochefoucault's statements have the mark of being correct and true: his observations are sound; and some of them should be reflected on by our home government, at the present time. They are all the better for the wear of twenty-five years; and though prediction has not yet been delivered of verity, we should not cease to look forward, and be "enlightened by experience."

We need not "speedily change the colonial *form* of government;" but there are changes which cannot be too speedily effected, to retain "a bright jewel in the British crown."

The Indians can now, happily, be no longer looked to by Canada, as allies in war, and within the province will soon be extinct. Yet, it is well to note, in the history of the country, of what consequence they were considered, and how they were treated at the first settlement. This could not be accomplished better than by introducing the above extracts.

To attempt any improvement with grown-up individuals would be of no avail. Near Quebec, near Montreal, on the Grand River, &c. churches have been erected for the reform of such poor people, but no change has been effected for good. Their children grow up, wild, irregular in their habits, and altogether useless members of the community.

Here the push should be made. Well-ordered and efficient establishments should be erected for training up the youth. They should be taught not only to read and write, but be bred in to industry and regular business. There are ample funds for this. Government need no longer throw away presents on Indians living beyond Detroit River, or maintain a useless Indian department, with a view to conciliate and hold on the Indians for a war time. The speedy civilization of those within the surveyed bounds should be the sole object, and in ten or twelve years it could be com-

pletely effected. The Indians of the Grand River have monied means of their own, to accomplish this under proper management; and the rising generation could be portioned off with land as they grew up, qualified to improve and enjoy their inheritance. Speaking of the Grand River Indians, it may not be improper to say a few words in defence of their right of soil, which has been encroached upon by the Provincial Executive Government. These Indians, who retired to Canada after the American revolutionary war had, by written grant, a tract of land assigned to them, extending from the mouth of the Grand River to its source, averaging six miles in width from the river, on each side. It will be observed, by inspection of my map, that the source of the Grand River lies beyond the farthest survey; viz. the township of Nichol. Soon after Sir P. Maitland arrived in the province, orders were issued for extending surveys in that quarter, and lands have been granted away, which, in fact, belonged to the Indians. The Indians complained, but were denied compensation. Their right, I hope, will only need to be made known at home, to admit of justice being done.

In Wentworth's Account of New South Wales, we are informed that attempts are making, and with success, to educate the savages of that country. I question if this is advisable. Our own breed, I suspect, is a better one; and with due encouragement, we can stock the whole earth as

fast as the improvement of morals and civil government makes it desirable that it should be stocked. Many considerations urge to an extraordinary exertion being made to advance the Indians of Canada, who are now interwoven with civilized society as fast as possible, into a condition to amalgamate—to mix and be lost in that society: but I repeat, that with all other Indians, savages, the best policy is to keep them as distinct as possible, and always on the outside of settlements. Of all things Government should guard against allowing these primitive beings from being vitiated and led on to crimes by ruffians escaping out of civilized society. What shocking consequences appear even already to result from this in Van Dieman's Land and New South Wales, according to Wentworth's account. Indeed, what we there read, makes us deplore the whole system of colonizing from our gaols, and wish it put an end to. It is expensive: it holds not up the best scare to wickedness: it appears to be any thing but a corrective to the vices of individuals; but when we think of its furnishing the seed of crime and misery to distant and hitherto unpolluted countries, when we think of the worst of our convicts escaping into the woods, becoming more hardened and determined villains than ever, and rousing up the passions of savages to war, and bloodshed, and revenge, it is hideous. Good God! can we not keep our villains at home, wall them in, give them plenty of fresh air and exercise, while they feed

in proportion as they exert themselves with solitary* labour—labour that may be made to defray the cost of their maintenance. Colonization is yet, I hope, to become the means of improving society, instead of lending aid to barbarism. We have honest men willing to emigrate, and rogues only should be restrained from it.

Rochefoucault's description of the summer's heat of Canada, page 181, calls upon me to correct my own. It does not always "melt only to love," sometimes it melts to extreme languor, and really "is altogether intolerable." Well may I remember it. That "sultry and close heat of a peculiar nature," undid me in Niagara gaol. Till within a few days of my being brought forth to trial, it had prevailed for weeks, during which I lay for some hours daily in a state of feebleness beyond description. One morning, while gasping for breath, I besought the gaoler to let me have more air, by throwing up the window. "You are no gentleman," said he; "you gave that letter out of the window, and I will come presently to nail it down." Happily a friend soon after called upon me, and through his interference the window was

* Every body has heard of the excellent system of prison management at New York. It appeared to me, on visiting the prison there, that there was a great fault in allowing so many of the people to associate together; and in not sufficiently distinguishing between those who had committed greater or lesser crimes. The mere difference of being confined for a longer or shorter period does not constitute a sufficient difference.

put up. The brutal gaoler had never before been uncivil to me; and he had any thing but reason. During the whole time of my confinement I allowed him the public money due for my maintenance (nearly a dollar per week), to ensure civility and cleanliness; but there is a spirit throughout animal nature, brute and human, to oppress in proportion as opportunity is safe, and the object defenceless. The wounded stag, and the close prisoner of a provincial government, experience similar treatment.

The letter which the gaoler alluded to was one which I had written, to attract sympathy to the case of the Editor of the Spectator, who had just before been most barbarously used, as mentioned in the GENERAL INTRODUCTION, and it was carried to the press by a gentleman who had been with me in my cell. But my situation now became worse at all hands. I was not only melted with heat, barred up and abused by tyranny, but the very man in whose favour I had made an exertion, betrayed me. The week after I had got a letter printed, exclaiming against the cruel treatment of the Editor, I had one conveyed to the press by another visitor, complaining of my own treatment, so much worse; but this the Editor suppressed, and returned to me after his own trial, with this excuse, that he had promised to the Under Sheriff *that he would publish nothing more of mine!*

In the mean time, and in the midst of these provocations, there was no abatement of the

heat*, and the agony which I suffered bringing to my remembrance the situation of my fellow prisoners, worse situated, in regard to bodily suffering, than myself, I wrote a letter, to call attention to their situation, and desired an attorney to get it published; but he was pledged to forbearance. I then bade him shew it, with another, to the sheriff, for leave. This he did; but not a line of mine could see the light during the period of four weeks prior to my trial, while my enemies were allowed to write at will, and prejudice the public mind against me by every species of misrepresentation†.

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* Summer, 1819, was the most parching, for many years back, in Canada.

† The Editor of the Spectator shall speak on this subject. I have just looked at a newspaper, which since the day of its first appearance, nearly two years ago, has lain by me unread. When it came out, I was past all very nice observation, nearly callous, indeed, to feeling, with extreme weakness and disgust: but let the Editor proceed, "We are not sure that we do justice to Mr. Gourlay or the public, when we give insertion to writings evidently intended to prejudice the public mind against a man whose trial is near at hand, and *himself not suffered to let his writings pass the door of his cell.* The sensible people of this district, we are assured, feel indignant at these attempts to forestal public opinion, and influence the trial of a man who has submitted to every species of insult and oppression, rather than forego the chance of a fair trial before a jury of the country. The assizes are fast approaching, and the public mind, we are glad to know, is alive to the extraordinary proceedings which have disgraced the province by unlawful banishments, arbitrary imprisonments, and unprecedented efforts to crush the liberty of

Niagara Gaol is a spacious building, glittering and gaudy outside, roomy and convenient within,

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the press." I am somewhat sorry to expose a poor man who suffered on my cross, but it would be wrong to let the above go without remark. While the Editor is here deploring, to appearance, my cruel treatment, he it was that most added to that cruelty. In return for my writing in his favour, he suppresses my letter, stating to the public how cruelly I was treated in gaol; and he pretends that my writings could not pass the door of my cell, when he held in his hand a writing of mine which *had* passed the door of my cell; but which he chose to hold back from publication, in consequence of a promise to the Under Sheriff. Had he simply and honestly done his duty as an independent Editor, he would have published my letter as soon as he received it, made no promises to the Under Sheriff, and as soon as he found me shut out from communicating with the press, have ceased to give publication to the writings of my enemies. He does the contrary of all this; and expects to succeed by a *manœuvre*. This Editor twice before annoyed me, while in prison, with departing from the strict line of duty. One communication he kept back till its end was frustrated, and another he curtailed without consulting me.

The above-quoted Editor's article appeared immediately below four columns of a most insidious and designing letter, calculated to mislead the public mind as to the meaning and intent of the very writing which was to be judged of as libel on the Editor's own trial. It was one of a series which had been sent to the press, week after week, by a poor hair-brained, canting, and senseless creature of the name of Stuart, a retired Captain of the East India service, who came home immediately after my banishment, and published in London, a little volume, entitled "THE EMIGRANT'S GUIDE TO UPPER CANADA;" a rhapsody of weakness which has, perhaps, no parallel. This man corresponded with the Upper Canadian Convention: in return for which I, myself, moved him a vote of thanks, and dictated a polite letter to be forwarded to him; but my gentleman had two strings to his bow.

so far as accommodation for the courts is concerned; but the cells of the prisoners are, as it were, contrived for torture. A miserable little crevice in the wall is all that admits air from without, and inside, there is but an aperture in the door, ten inches thick of oak, not quite so large. Even in winter, a stench proceeded from this aperture, cutting to the breath of any one who stood near it. In summer, how the inmates existed, I could never understand. My room had the same kind of door as the common cells, but it was larger, and had an ample window.

I shall here insert a copy of the letter above spoken of, which I attempted to get published, in order to call attention to the condition of prisoners.

To the Editor of the Niagara Spectator.

Niagara Gaol, 9th Aug. 1819.

SIR,

There is this good in suffering, that it sometimes makes us reflect on the sufferings of others. Closely confined to a small room at this season of the year, and deprived of due air and exercise to brace up a feeble constitution, mine are

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He contrived to be at Kingston when the new Governor arrived: obtained, as I heard, a grant of land; and, in the hour of cause, took up the quill to smooth over the tyrannical proceedings of the government. His writings against me were silly in the extreme; but out of his diseased liver flowed a green and yellow slime, which miscoloured and distorted motives and views, liberal beyond his comprehension. Should this man's book fall into the reader's hand, he will not think that I have misused the above epithets.

not small; but when I think on the poor men pent up in the felons' cells of this prison, far worse situated than I am, the comparison almost makes me ashamed to complain.

When the grand jury visited me during the April sessions, I called attention to the situation of these men, and said that something should be done; but the reply was, that there were no funds. Before the warm weather set in it was comparatively well. Then from morn till night cheerful voices and merry songs resounded throughout; but now all is death-like silence, or if a tune is occasionally attempted, the enfeebled voice only forces on the mind a deeper impression of melancholy. Every prison ought to have court-yards attached to it, wherein prisoners should daily have a range for the preservation of health. I have seen some in England, on Howard's plan, admirably constructed to promote this. It is out of the question to propose at present such liberal improvement here; but there is a very simple mode of relief, which occurs to me, could immediately be put in execution. Each cell has two doors, one of very heavy make, which is constantly in use, and another outside of this intended merely for shew, and to hide its less seemly neighbour. These shew doors being never shut, answer no purpose whatever, but dangle about, to the confusion of the hall. My proposal is, that they should be removed, and in their place grated doors hung on, in such a way as to shut against the heavy wooden doors when open, which thus, with due safety, may always be the case during day-time.

In a warm day, the relief which I feel from any momentary opening of my cell door, gives me a full sense of the benefit which might accrue from a constant and liberal supply of air.

If two or three gentlemen of the village would talk together on this subject, and take the trouble of stepping up

here, bringing with them a blacksmith, I would point out exactly what I mean. An estimate of expense could forthwith be made out, and I am quite convinced, that a subscription for carrying it into execution would be readily obtained from the people attending the assizes next week.

ROBERT GOURLAY.

This letter may reach Niagara before any improvement is made on the horrible cells of the prison, in which case it may yet do good. To the British reader it is submitted along with these questions: Is there a lawyer in our island who would dread to get published for his client such a letter? Is there a sheriff who would give denial to the carrying such to the press? or any man who would take denial? No: but in a province terror reigns paramount. He that executes *power*, I do not say the *law*, from the Lieutenant-Governor to the Under Sheriff and the gaoler, needs only to nod, and the people tremble. In England we have oppression enough, God knows: we have packed juries, and Manchester magistrates; but there is yet spirit in the people, and nothing like trembling. The press is here free, even to the state prisoner. Complaints have been made of Ilchester gaol: they have been listened to by parliament, and abuses have been corrected: but what could an individual do in the gaol of Niagara, cut off from all communication with the press, and stifled in a stagnant heat of 90°.: and I am very certain that it could not have been less for weeks together during my confinement there.

These facts and reflections may reach the eye of Sir Peregrine Maitland, and may soften his hauteur—may induce the military man to think. He and his father-in-law, passed through Niagara while I was suffering the most cruel torture, both of body and mind. It must have been from his orders that I was so treated: and, no doubt, the Duke of Richmond gave accord. To both these men I addressed sincere and confiding letters while yet free, and at the height of popularity, trusting that they would give me a hearing. But, no: they were too great for reason and humanity, uplifted on the thrones of Canada. How uncertain is human fate! I indeed was reduced to imbecility at that moment of my life when most I needed strength, and patience, and recollection. Brought out for trial, I quickly became little better than an ideot: nay, set at large from such durance vile, I was even joyous, I was rampant with the fresh air, and totally regardless of my situation during twenty-four hours stay in Canada. Crossing Niagara river at the appointed hour, I thanked God as I set my first foot on the American shore, that I trod on a land of freedom. The flow of animal spirits carried me along for more than two miles in triumphant disgust. It carried me beyond my strength, till, staggering to the side of the road, I sunk down, almost lifeless, among the bushes, and awoke from my dream to a state of sensibility and horror past all power of description. If at my trial, and so long after it, I was callous to feeling;—if I was blind to objects around me, and regardless of

consequences, the scenes I had passed through were now too visible: my senses were too keen,—my feelings too acute. Before, all was frozen and rigid; now, extreme relaxation resigned me to the torture of a distracted mind, feeble, doubting, and irresolute! In fact, my nervous system had undergone a most violent change; and, to this hour, the effects are permanent;—to this hour, with every effort, and every appliance, my natural tone of health and vigour cannot be regained. But how was it with the Duke of Richmond, Governor-in-Chief of British America—the land from which I was flung out like a spoilt jelly? He, at the self-same hour, was writhing in agony still more humbling to humanity: that very day he expired, raving with canine madness,—with hydrophobia!

That my sad experience of the summer's heat of Canada may not leave on the reader's mind unfavourable impressions of a lovely climate, let me here record some recollections very different from the above. The summer evenings of Canada are celestial. While I had yet free range of the prison, it was my custom to sit from seven till ten at night, in the door-way, noting the course of nature, and inhaling the very air of heaven, balmy, and sweet, and invigorating. As the sun went down, a succession of tints, fine beyond what our grosser atmosphere can ever exhibit, insensibly stole off with the light of day. The whipper-will, bird of the evening, then arrested attention, booming through the sky with impetuous sweep. By the first starlight he rested on some stump, or fence, or

fallen tree, to mark the watches of the night, with the lively repetitions of his name. Brilliant coruscations of electric fluid now flashed across the starry firmament: sublimity took possession of the mind: every worldly care was forgotten; and it was more than contentment—it was peaceful joy, to sink to rest even within the walls of the gaol of Niagara.

Having exhausted my remarks on the compilation of this volume, I shall now look back to the first; and review what is there most worthy of notice. With an eye to this, I collected together, at the close of that volume, the heads of opinions as to what retarded the improvement of the province, and numbered these for more ready reference upon this occasion. The simplicity of these opinions should not lessen their importance, but give value to it. They should be weighed even by the statesman, while he studies the future fate of a very extensive portion of the British empire—a portion which must be with us, or off from us, just as opinion turns, and as respect is paid to it. My strictures shall begin with the last, and proceed backwards in order.

The improvement of Upper Canada, according to opinion 23d, is retarded by a want of *rousing up;* and in page 448, vol. 1st, it is said, "something to expel a torpid spirit" is wanted. I suspect my worthy reporters confound effects with causes; or, to use a farmer's phrase, "put the cart before the horse." The Canadians had three years of a powder and shot war; and then they had twenty months

of a paper bullet war: they had a time of high prices and brisk trade; and now they have low prices and dull trade; but with all this commotion and variety improvement is still retarded, and we must infer that something more is wanted than *rousing up*; the fact is this, that people immured in woods, and scattered about at the rate of half-a-dozen to the square-mile, even though roused up, can do little; and very naturally sink down into despair, and become torpid. They can live: they can procure bread; but man was not made for "bread alone."

The *bad habits of original settlers*, &c. (22d), have certainly operated considerably against the improvement of Upper Canada. For many years there were no schools, and there are now many of the people wofully deficient in education. Indeed, I suspect that civilization has, upon the whole, retrograded in the province. Schools, and dense population, will rouse up the people, expel the torpid spirit, introduce *skill in husbandry* (21st), and give *incentive to emulation* (14th). *Spirited and industrious men* (19th), will then make their appearance: and after them *men of capital and enterprise* (3d), with *money* (4th), and *banks* (20th).

A bank was set up in 1818; but money has since become more and more scarce. A chartered bank may now be established, the royal assent having been given to an Act of Parliament for the purpose; but even this will be of small avail till the greater matters of the law are attended to.

This is all that I shall say of opinions 22d, 21st, 20th, 19th, 14th, 4th, and 3d.

Opinions 18th, 16th, 8th, 2d, and 1st, all relate to the overwhelming abundance of unoccupied land, and the grand cure is to be found in a new system of taxation, laying the whole burden upon land, and making that burden as heavy as possible, while the proceeds are judiciously applied to public works.

Opinions 17th, 7th, and 6th, relate to matters of first-rate consequence, which can only be provided for, as they ought to be, from the new system of taxation, which, by and by, will be particularly spoken of.

The *defect in the system of colonization* (15th), is great indeed. My chief ambition in this work, is to throw light upon the subject. I shall endeavour to shew how *emigration* may be promoted on a *liberal system* (9th), how *difficulties opposed to emigrants* may be removed, and how the *poverty of beginners* (10th), may be overcome.

There are two opinions (13th and 12th), directly opposed to each other. I am decidedly for *liberal and indiscriminate admission of settlers.* Something is wrong with the government of that country, which cannot let Americans and all others come in and go out as they please. It is part of the excellent policy of the United States to receive into citizenship people of all nations and persuasions, Gentiles and Jews. There, "charity thinketh no evil;" and evil never came of it. But

behold Upper Canada, jealous even of a British subject, imprisoning, torturing, and banishing, all upon the oath of a perjured villain. Behold such a country, and say what retards its improvement!

The 11th opinion regards *damages sustained in war.* Much damage was sustained, especially in the Niagara district; and everywhere the stock of the country was nearly exhausted; but the improvement of the country, as I wish it understood, did not, in the main, suffer much retardment from this. The subject, however, is worthy of notice on other accounts. Soon after peace was restored, a very proper and necessary measure was resorted to. All claims against government were ordered to be given in for examination. Certain of these were acknowledged to be good, and others were rejected. A question then arose, out of what funds were these claims to be paid? The estates of certain persons who had proved traitors in war, were confiscated, and it was held that the proceeds of the sale of these should be so appropriated. It was very well known, however, that these estates could yield little, and that when expenses of sale, with debts upon the es ates were paid off, there would remain nothing at all as a public fund: nevertheless the humbug was kept up, and when the provincial parliament met on the 5th February, 1818, the President in his speech from the throne stated, that, "*His Royal Highness the Prince Regent had been graciously pleased to devote the proceeds of the estates to compensate the loss of individuals by the invasion of the enemy.*" Before this it was reported

in the country as a fact, and the Speaker of the House of Assembly was said to have received a letter from the Provincial Agent, resident in London, stating that he had represented to the Home Ministry that the confiscated estates could yield little or nothing towards discharging the claims of sufferers by war. Nevertheless, and though it was the general opinion in the province, that not one farthing would be forthcoming from the sale of confiscated property, after expenses of management were defrayed, and debts due paid off, the Representatives of the people replied to the President's speech by returning *thanks for the gracious offer!!* This was assurance to ministers at home that all was well, so that to this day not a penny of the just claims have been paid, though amounting, I believe, to nearly £400,000. I would solicit attention to this affair, not merely for its own sake; but as it throws light on the deceitful, silly ways by which truth is blinked, and most serious mischief engendered,—all from the use of false, complimentary language. The President could not be ignorant, if he thought at all, that he was betraying the hopes of claimants by his adulatory slang—that he was giving countenance to the pretended ignorance of the Home Ministry: but then again, his conduct was innocence itself, compared to that of the Members of Parliament—the representatives of the suffering people, who ratified the delusion with their thanks, and accepted a shadow for the reality, which it was their bounden duty to have secured. Their Speaker knew that the Home

Ministry were apprized that confiscated estates would yield little or nothing: they all knew that this was notoriously true, yet they *will* flatter and pay compliments: they *will* forget their duty, and betray their constituents. Their duty was to have unmasked the delusion of the President's speech—to have beseeched him no longer to belie the truth, but to confirm the report of the provincial agent, and to inquire whether there was not some other mode of getting payment for just claims—some real source from which means could be drawn to discharge these.

Let us see how it now stands. Last session of the Provincial Parliament (spring 1821), the Council and Assembly jointly addressed the Lieutenant-Governor as follows:

"*To his Excellency, Sir Peregrine Maitland, Knight, Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding His Majesty's Forces therein, &c. &c. &c.*

"MAY IT PLEASE YOUR EXCELLENCY,

"The Legislative Council and House of Assembly of Upper Canada, in Provincial Parliament assembled, urged by the extreme distress of the sufferers by the late war with the United States of America, are anxious in their behoof most humbly to approach his Majesty.

"Sensible that his Excellency and his Majesty's government have done every thing possible for their relief without resort to the Imperial Parliament, they now, with great humility, beseech his Majesty to lay their case before

the Parliament of the United Kingdom, with such recommendations as his Majesty may deem meet.

"And they entreat that your Excellency will be graciously pleased to transmit their address to his Majesty's principal Secretary of State, to be laid at the foot of the throne."

To which His Excellency was pleased to reply—

"HONOURABLE GENTLEMEN, AND GENTLEMEN,

"The sale of the confiscated estates commanded for the gracious purpose to which your joint addresses allude, was an earnest of his Majesty's benevolent intentions towards the sufferers by the late war: the delay which succeeded has been contrary to the wishes of your sovereign. His Majesty's government, interested for the sufferers, had recourse a second time to the Parliament of this province, for the preliminary enactment which was necessary; but had been denied in a former session. No representation, therefore, in addition to those already made, could be necessary to induce the attention of the King to this subject, whenever an official statement of the proceeds of the confiscated property could be transmitted from this country. Yet, as the extreme distress of the sufferers under that pressure which we feel in common with other parts of the world, is the immediate cause of your address, and as the official statement of the proceeds cannot be immediately procured, I shall with great pleasure comply with your wishes, and I shall have the most sincere gratification, if it shall be found in the power, as I know it to be in the inclination of my royal master, to afford the sufferers, for whom I warmly feel, a compensation, justly proportioned to the losses they may have sustained."

Let me make a few remarks on the above address and reply. The Council and Assembly speak feelingly enough of "the extreme distress of the sufferers by the late war." They allow that "his Excellency and his Majesty's Government have done every thing possible for their relief without resort to the Imperial Parliament:" and they "beseech his Majesty to lay their case before the Parliament of the United Kingdom," finishing with entreaty that his Excellency will transmit their address to be laid at the foot of the throne. This is sufficiently explicit. The Council and Assembly wish the Parliament of Great Britain to consider the case of the sufferers in war; but with all due humility, I must say that the Council and Assembly trifle: and nobody will read the reply of the Lieutenant-Governor, and not acknowledge that he not only trifles, but blinks. I speak of him as a civil minister of the Crown, and though aided with a Council, he cannot get beyond that. The halo of royalty may surround the head of a provincial Governor seated on the throne as representative of his Majesty. All external appearances may bedeck the person of his Excellency, but he is not the real anointed one who can do no wrong; and if our home ministers are fair game for censure, this foreign minister is much more so. I use no word vulgarly, lightly, or flippantly; but as it is apt and proper to draw attention to delusion and the slippery ways of Provincial Government.

Supposing the above address had been laid

before the Imperial Parliament this last session, and there was abundant time for this having been done, what could the Imperial Parliament have done with it? and what could his Majesty have recommended? The poor beggarly petition gives not the smallest hint as to what should be done for the sufferers in war. It is full of fawning. It "humbly approaches his Majesty," and "with great humility beseeches his Majesty," but leaves both his Majesty and the Imperial Parliament to guess what is wanted, and to contrive what is to be done. As to the desire of getting into the royal presence, and upon the floor of the British Parliament, it is quite explicit; but for all else it is void. It contains no specific complaint—no intelligible prayer. Had this petition been presented, might not a member of Parliament have started up and inquired how it was that sabre cuts and gun-shot wounds were so long of healing in Upper Canada—how it was that, after seven years had gone by, the Provincial Militia still needed surgeons, plasters, and pills?

When I dashed off the Sketch Petition, which has been given at length in my first volume, page 571, I was not anxious to go into detail. I considered it enough to draw outlines, to be filled up as the petitioners should think fit, when all was duly deliberated upon and settled. Besides the petition, of which that was only a sketch, was to be carried home by a commission prepared to interpret, explain, and supply. It was to invite to investigation, rather than to rest any thing on its

own declarations and entreaties; but even a single clause of my sketch will stand up by the side of the address of the august legislators of Upper Canada, now, we must suppose, lying snug at the foot of the throne, and call for comparison on the score of business.

"The loyal subjects of his Majesty in Upper Canada suffered grievously during the war in their property, and many were bereft of their all. A solemn investigation on this subject took place: the claims of sufferers were authenticated, and there was every reason to expect that recompence would immediately follow; yet nothing has followed but delay and insult. Surely if there is among mankind a single principle of justice, this is one, that the individuals of a nation ought not partially to bear the weight of public calamity,—surely individuals, who have exposed their lives for Government should not be disgusted with finding Government regardless of those very principles which it is intended to sustain.

"The people of this province are well aware that their fellow-subjects at home are pressed hard with taxation, and far is it from their wish that relief should be afforded from thence. Canada contains within itself ample means of exonerating Government from the claims of sufferers by war; and it is within the *fiat* of your Royal Highness to remove by a single breath the evil now so justly complained of. Millions of acres of fertile land lie here at the disposal of your Royal Highness, upon the credit of which, *put under proper management*, not only the fair claims of loyal sufferers could be instantly advanced, but vast sums could be raised for the improvement of the provinces and the increase of revenue to Britain."

Though this is my own off-hand performance, I must be allowed to glory in its production, placed alongside the address of the Legislative Council and Assembly of Upper Canada. This single clause of my Sketch has in it both body and soul. It is so far perfect: it has a beginning, a middle, and an end. The address has not a single member that is creditable. It puts us in mind of Mr. Nobody, in the comedy of Punch; only it wants his gaiety and humour. It struts forth, proclaims that it is nothing, and disappears in proof of the assertion. I dare say his Majesty's ministers will be ashamed to present it to Parliament.

Could we consider the reply to this address merely as the production of a weak man, a poor upstart military fribble, we might pass it over as a fortunate quiz—a good come-off enough; and a suitable one; but it is not that. It is the manufacture of a Governor in Council—a real, solemn, masterpiece of humbug—a valuable specimen of provincial court policy and *quis-quis*.

Let us take it to pieces and examine it.

"The sale of the confiscated estates commanded for the *gracious purpose* to which your joint addresses allude, was an earnest of his Majesty's *benevolent intentions* towards the sufferers by the late war." I have said, that when the President of Upper Canada, in his opening speech of the 5th February, 1818, formally announced that the confiscated property was to be dedicated to the payment of just claims for sufferings in war, and

when the Assembly returned thanks for the gracious offer, it was notorious that not a farthing could be expected from that source. I hold in my possession a letter received from a legislative councillor, while he was sitting in that Parliament, stating that at the *highest calculation*, with the *best management*, the confiscated property would not yield threepence in the pound towards liquidating the claims. Now three years and more have gone by, in which the claims of sufferers in war have swelled considerably, if fair interest upon them is allowed, while the value of the confiscated estates, unsold, must have fallen nearly a half. If it was altogether deception to countenance any hope as to their affording relief to sufferers in 1818, what is the use of saying one word about them now in connexion with the misfortunes of these poor and insulted people? The address waives, and well it may, all mention of the confiscated property; but the reply will have it that there is an allusion to these, in order to call to mind the "command for the gracious purpose," and "the earnest of his Majesty's benevolent intentions." His Majesty probably never heard of the matter; but his Ministers knew from the beginning that "the command for the gracious purpose" was a delusion, and on the strength of the "thanks for the gracious offer," returned to the President's speech by the Assembly, Sir Peregrine Maitland still keeps it up. He keeps hold of the foolish conduct of the Canadian Assembly—speaks of the "delay," and the "second application for the preliminary enactment," which had

been *denied;* and all—for what? very fairly, as a reproach on the Council and Assembly; very appropriately in reply to a good-for-nothing, fawning, pitiful address; very much in character with the whole transaction from the beginning on all sides; but very far from manifesting the least serious inclination to relieve sufferers. This I do call the worst kind of hypocrisy. But the reply does not rest here. It would sink out of sight the claims of sufferers "under that pressure which we feel in common with other parts of the world:" it would pass over seven years of delayed payments, to take hold of the *common pressure* as the *immediate* cause of the Address; although neither immediately, nor ever, can one farthing for repayment of well-authenticated claims be had from the confiscated estates. It is impossible for the reader to see, as I do, into the iniquity and mischief of all this tampering with the poor people of Canada who suffered in the war; but I earnestly press attention to the subject. The people of Niagara district, in particular, were torn to pieces during war. That district is the key of the greater part of the province, and cannot be held but by the good will and even strenuous efforts of the inhabitants during war; but where is their encouragement, by a future occasion, to resist for a moment? The claims of these sufferers ought to have been paid when authenticated, without a moment's delay, out of the British treasury. They constituted a debt of honour due by the British empire; and money should have been issued at once to have cancelled it. What was the use of

sending 30,000 troops to defend Canada?—What was the use of squandering millions on the construction of huge ships to maintain the command of the lake, if all was to be given up, as soon as war terminated, by souring the minds of the people? Of all things, why should the repayment of losses by war have depended upon confiscated estates? If there were traitors to make the struggle of war more severe to the loyal, was this aggravated evil to generate a pretence for delaying remuneration? Because the evil was greater from desertion and treason, was consolation to the afflicted *therefore* to be diminished? The very association of the ideas should have been avoided. All along this business has been most scandalously conducted, and, in its present attitude, appears odious and disgusting in the extreme. Can any one suppose, that even a message from the throne, accompanying the above Address, will now procure money from this country to satisfy the claims of Canadian sufferers? Were I a Member of the British Parliament, I would spurn the idea as presumptuous, ill-timed, and absurd; but while I did this, I would call loudly for a commission to go out to Upper Canada, and investigate the whole public affairs of that province. I would still maintain the assertion in my Sketch Petition, that "*Canada contains within itself ample means of exonerating government from the claims of sufferers by war.*" This I would assert in the Imperial Parliament, were I a member of it; and this I do assert before my country, in the humbler station of an individual,

but no less boldly and confidently. The management of Upper Canada, from the first settlement to the present day, has been wretched. Mismanagement in Canada has cost this country full thirty millions of money, to say nothing of lives by the thousand. Where is madness to end?—Shall we lose hold of an immense dominion from mere weakness?—Shall we drive the most loyal people of the empire to revolt, and to curse us for ever; or calmly set about investigation—the due ordering of business, and the discharge of honourable and imperious duties?

The only remaining opinion, which rests for consideration, regards the *shutting out of Americans* after the war; and it is well that this comes last to notice, as it should engage most serious attention, and remain for ever in fresh recollection.

Under the last head, I said that the improvement of Upper Canada was not much retarded, comparatively, from the damages sustained in war. I now say, that the effect of the war was in many respects favourable to the province; and had it been duly taken advantage of, might have outweighed the evil of losses sustained by individuals, even unpaid, a hundred times over. By the war many disaffected persons were got rid of: by the war the gallantry of the inhabitants was proved, as well as the desire of the British government to support that gallantry, and to protect the province: by the war an important and pleasant truth was established, that settlers from the United States were to be depended upon as loyal and faithful subjects.

This was pleasant, as it determined an important fact regarding human character; in as much as it was found to be true to principle, and to prefer honour to interest, nay even to the ties of country and kindred. Three-fourths of the people who defended Canada from invasion were settlers from the United States; but, strange to say, the war had scarcely ceased when settlers from that country were looked upon with suspicion by the administration; and by and by were generally refused admission; that is to say, they were not allowed to take the oath of allegiance, as formerly, for the purpose of ratifying their settlement, and enjoying common privileges. The writer of the Sketches says that such jealousy was natural. I say, it was much more foolish than natural. What could induce settlers to come in from the United States to Canada *after the war*, but a prejudice in favour of British government, an inclination to live among a people who had bravely defended themselves, and a desire to be out of a country where political rancour had become so intolerable that federalists could scarcely be safe in the neighbourhood of democrats. Canada, after the war, seemed to be a place of refuge from party persecution; but strange to say, an order was sent out to Canada by the British Ministry to check the ingress of American settlers. Was this done in contemplation of saving room for British emigrants? No: In the year 1815 a shew was made at home of encouraging emigration to Canada, but what has appeared in the management of the Perth settlement?—waste,

and finally, total neglect. What have I to say of the treatment of emigrants from Britain in the year 1817, the very year in which all settlement from the United States ceased, from the effect of arbitrary decrees. During the year 1817 the treatment of poor British emigrants in Canada was worse than mockery—was infamous. The provisions and tools given to those who had emigrated the two preceding years, were now denied, and the poor people had, to use the words of one of the Township Reports, (page 378, vol. 1st), to "dance attendance at York," for weeks and months together, before they could get a hearing from the land-granting department; and when at last they were heard, their fate was to be sent 20 or 30 miles into the wilderness, where even native Americans could scarcely exist. When our home government had once gone so far as to expend many thousand pounds on an *experiment* for settling Canada with British subjects—an experiment which they followed out to no good:—when the British Ministry had gone so far as to order the ingress of Americans to cease, surely it was their duty to give orders to the land-council of Upper Canada to be civil and attentive to poor British emigrants; but it was far otherwise. I witnessed the miseries of emigrants who had left home in hope of being kindly treated in the king's dominions, and it was impossible not to be touched at the heart with what I saw—with what I felt from bitter experience. Soon after my arrival in Canada, I wrote home, highly pleased with the natural appearance

of the country, and while I was yet altogether unacquainted with the dirty ways of Little York. My brother, sixteen years younger than myself, who had nearly served out an apprenticeship to a writer to the Signet in Edinburgh, with the expectation of inheriting an estate in Fifeshire, had retired from his business, and resolved to go abroad to the East or West Indies, because of the family calamity which has been mentioned in my statement of 3d January, 1820. To please our father, then an old man, and afraid of my brother's health, he relinquished this design, and came out to me in Canada, in consequence of the favourable report I had sent home of the country—its fine climate and fertile soil. He arrived the very day after I had published the address which gave rise to this work, and while I was yet sanguine of all going well. As soon as I found him resolved on settling in the country, I dispatched him to York—I mean to Little York, with introductions, and he there took the oath of allegiance, and paid fees, demanded preparatory to presenting a petition for a grant of land. His petition was in course presented. It was respectful: it was every way correct; but what happened? Instead of getting land, he had, after remaining in the province more than two months, a most insolent reply. He remained in the province nearly a year, and, getting no land, left it, for want of employment, to go to Demarara, where he now is. I had done nothing in Upper Canada to offend when my brother was thus treated, save

publishing my first address, which had offended the Rector of York, a member of the land-council; and my brother, on no occasion, either before or after his refusal of land, gave offence to any body. He was known at home as a peaceable, quiet young man, and both in Fifeshire and Edinburgh must still be remembered by many respectable persons to have been so. As to politics, he was totally different from me, and was always indeed averse to intermeddle with any thing of the kind. His plan was to have occupied a farm, and at the same time to have kept a store of merchandise. A relation had offered him a thousand pounds to begin with, and he had connexions ready to procure for him credit in Montreal.

This young man, twenty-three years of age, driven from home by adversity, every way qualified to have done well for himself in Canada, and with every recommendation as one who would have been faithful and true to British interests—to British government and British feeling;—this young man had insult in return for a respectful petition, and at last went empty away from a country to which he was really partial, disgusted with neglect, and the abuse of power. Before my brother was insulted, I had been fully charged with abhorrence of the treatment of emigrants in Upper Canada. I had been roused to a full sense of the mean, selfish, unprincipled, and unfeeling conduct of the Provincial Government: his wanton and altogether undeserved treatment, brought me to decide that it was duty to expose the damn-

ing system that prevailed, and I did launch forth against the creatures in office—the loathsome things of the land-granting department. I attacked Little York: I fluttered the Volsci in Corioli; and in less than two months it was observed by the country, and I trust is still remembered, that a goodly reform was brought about. People having business at the Land Office were attended to, and afterwards the emigrants had something like civility shewn to them, though, even now, there is nothing like system or comfort.

But I must not forget the main question, that of *shutting out Americans*. This was the deadliest thrust ever made by folly at the prosperity and welfare of Upper Canada. It had created most serious reflections, and engendered a deep-seated disease in the province, before my arrival there. It had worked up the resolutions of Parliament recorded page 289, and led the agitated Lieutenant-Governor to hasten, in the most indecorous manner, to dismiss that body in the midst of the most sacred and most urgent deliberations that had ever been before it.

It was not for some months after my arrival in the province that I gave any serious attention to this subject, though those with whom I was most intimate, particularly William Dickson, were furious, whenever it came into discussion. I was three months in the province before my mind was made up as to settling in it; and the question of shutting out Americans engaged very little of my attention. After publishing my first address to the

resident land-owners, I travelled through all the western part of the province, to inform myself personally of its topographical and agricultural state, as well as to afford time to the people to reply to my queries. On this journey I found that four-fifths of the settlers had come from the United States, and that there was not one British-born subject among twenty. I found that the very best people were of those called Yankees, and saw that wherever improvement was advancing with most spirit, that these people had the chief hand in it. I learned, besides, that in war they had acquitted themselves well, and could find no reason whatever for the absurd interdict against others, such as them, coming freely into the country: indeed, where there were settlements of Europeans, a due mixture of Yankees was truly desirable. They were active, intelligent, friendly; and adepts in the art of settlement. The monstrous conduct of the Government, forbidding free ingress from the States, had keenly wounded the feelings of these people. It was to them most unmerited reproach, and was rather deeply felt than openly complained of. This impressed the matter on my mind as of more dangerous tendency; and when I came to peruse the Township Reports, the impression became more strong. As a cause which retarded the improvement of the province, the *shutting out of Americans* was at this time the greatest beyond all comparison; and but for a hope of extraordinary emigration from Britain and Ireland, seemed to me altogether fatal to prospe-

rity. From bearing a high price, which land did in Canada for the two first years after the war (that price, by the by, quoted in all my Reports), there was now no demand whatever. During the winter 1816-17, some settlers had continued to come from the States on permission, and prices were nominally kept up; but now the Americans had been apprized of the check to free admission, and of the slur cast on those who had gone before them into Canada. Democrats laughed at their neighbours, who in the heat of party disputes had threatened to retire under British protection, after the war. "You have now a sample," said the former to the latter, "of the steady, generous, and noble government you so much admired: get off with you, and *beg* of them to take you in." The taunt was severe; but there was now no help for it, save by endurance or flight to Indiana or the Illinois.

Notwithstanding the fact that shutting out Americans was, at the time that the Township Reports were written, by far the greatest and most obvious cause of retarding improvement, five only of these Reports notice it; and the reporters, in all these five cases, are either native-born British subjects, or of the oldest settlers. They had been stung with no reproach, and could speak out on the subject. They deprecated the act of shutting out Americans, but did not feel sore on the subject, as did the settlers from America. The feeling of these I had observed while travelling through the country: it was palpably marked by

the silence of the Reports; and I repeat was of dangerous tendency, especially when kept smothered.

On the part of some of those who do speak of the shutting out Americans, there is a feeling of a different kind; but also well worthy of notice. The fate of Upper Canada should be staked to no slender or unseen twig. No doubtful, timid sentiment should be suffered to lay undisturbed. All should be disclosed which may lead to false hopes and deceitful conclusions: every thing should be removed which stands in the way of important and necessary decision regarding the policy which rules over a country so situated. Those who speak on the subject of shutting out Americans are impressed with no indignant feeling touching their characters as loyal and true men. Their interest as land-owners is alive to the subject; but this again had to struggle with a dread of offending the higher powers. It still remained undecided whether the Executive Government would insist on barring out Americans, or whether the Assembly, when again met, would resolutely declare the law, and insist on the removal of restraints to free ingress of all settlers. The dread of speaking out on this, then ticklish question, was strongly marked to me in the Report of Nichol, page 381, vol. 1st. It is there said, "On this head we decline giving our opinion." Now, whence was this diffidence? Thomas Clark, who wrote the Report, was a Scotsman, a legislative councillor, and a great land speculator. He had

been touched to the quick by the *veto* against the free admission of settlers. It had entirely cut down his hope of turning his land purchase to profit: it was truly provoking: it was ruinous; and though he declines publicly to give an opinion on the grand cause of his and the country's misfortune, he asked me passionately, before delivering the Report, if the conduct of administration, "would not justify rebellion." Surely it is better that the home ministry should know such truths—should be frankly informed of the mischief done by their ill-judged, arbitrary mandates to exclude Americans from Canada, than that false delicacy should muffle up most serious facts, and that blundering should go on till the most loyal people, and even legislative councillors, should be driven to the point of rebellion.

The Report of Willoughby is signed by one of the early settlers, a worthy Scotsman, and his son. That Report was first given to me, signed "*An old Servant to his Majesty*," but as my plan required real signatures, I obtained these upon representation. The reason of first withholding the real signatures was, I have no doubt, a degree of timidity, because of the observation that it would benefit the province to have "a few inhabitants from the United States, under proper restrictions" (page 412, vol. 1st).

In two Reports, viz. those of Barton and Grantham, pages 396 and 425 of vol. 1st, the opinion, as to the injury sustained by shutting out Americans, is spoken of without any hesitation or timidity, the

writers of these Reports being at once loyal and independent men, old settlers, or native Canadians. They were not restrained by any indignant feeling which naturally made American settlers shy of communicating on this subject, and they were not afraid to speak out, though the Executive Government had committed itself. Mr. Crooks, who writes a Report for Grimsby, complains most freely on the dread subject, page 430, vol. 1st. He is a Scotsman, and perfectly loyal; but his Report, it may be remarked, though dated January 12th, 1818, was not given to me till the beginning of March, and after the Assembly, again met, had passed the fourth resolution of the former session, which had been suspended by the precipitate conduct of Governor Gore.

These observations on what appears in the Township Reports, and what seems to affect the free expression of opinion as to *shutting out Americans*, are introduced chiefly to prepare the reader for a grand exposé on this important subject, to which I would entreat his most particular attention.

As, before the war with the United States, the settlement of Upper Canada depended chiefly on people coming in from that country, certain magistrates throughout the province were commissioned to administer the oath of allegiance to such, that there might be no delay on their coming to settle,—no impediment to their holding property and possessing all the privileges of native-born British subjects; but after the war, the following CIRCULAR was addressed to the Commissioners.

Lieutenant-Governor's Office,
York, 14th Oct. 1815.

SIR,

It is deemed expedient that the Executive Government should be informed of the number and character of ALIENS coming from the United States, or elsewhere, into this province. I am therefore commanded by his Excellency the Lieutenant-Governor, to desire that you would report to this office, the names and designations of all such as may now be resident within your district, and known to you, or of whom you can obtain information, as also of all such as may in future come to reside therein, in any capacity, either as *preachers, schoolmasters, practitioners in medicine, pedlars*, or *labourers*.

The Lieutenant-Governor is pleased further to require that you do not, hereafter, administer the oath of allegiance, to any person not holding office in the province, or being the son of a U. E. loyalist, without a special authority, in each case, from this office.

I have the honor to be,
Sir,
Your most obedient, humble servant,
(Signed) WM. HALTON,
Secretary.

Now, supposing the Governor, who issued this CIRCULAR, had the undoubted right to dictate to Commissioners under his appointment, and supposing him quite liberal in granting his "special authority," as to administering the oath of allegiance, it is evident that the process of obtaining his authority would very much impede settlement. A settler, we shall suppose, crosses Detroit river to Sandwich, or the St. Lawrence to Cornwall, and applies to a Commissioner to administer to

him the oath of allegiance, that he may safely purchase land in the province, and settle upon it. The Commissioner tells him, that it is necessary first to procure *a special authority* from the office at York. It is applied for. Doubts as to the character of the person wishing to purchase and settle arise. He is required to produce evidence as to the soundness of his character, which he may not be able to obtain immediately: much time is thus wasted, and still there is doubt: the settler is kept waiting in suspense; and is at last, perhaps, refused. Say that he *is* refused. Has the *Governor* any right to refuse administering to him the oath, as a person willing to become a settler? The Governor appoints Commissioners for the execution of the law. He makes and can unmake them. He has their existence under his command; but can he say, I will be altogether arbitrary in my *will* as to administering the oath of allegiance? I *will* let aliens settle in the province, or not, *just as I please.* This is a most important question to have settled, and we must consult statute law on the subject. The Members of the Provincial Parliament thought that the statute law had something to do with the question, and they resolved, (see page 289) 1st, "*That an* ACT *was passed in the 13th year of George the 2d for naturalizing such foreign Protestants and others therein mentioned, as were then or should thereafter be settled in any of his Majesty's colonies in North America.*" They resolved, 2d, "*That an* ACT *was passed in the 30th year of his Majesty's reign,* (George 3d), *entituled, an* ACT

for encouraging new Settlers in his Majesty's Colonies in America." Now, let us see what these Acts are:

ANNO DECIMO TERTIO GEORGII II. CHAP. VII.

An Act for naturalizing such foreign Protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's Colonies in America.

Preamble.

"WHEREAS the increase of people is a means of advancing the wealth and strength of any nation or country: and whereas many foreigners and strangers, from the lenity of our Government, the purity of our religion, and the benefit of our laws, the advantages of our trade and the security of our property, might be induced to come and settle in some of his Majesty's colonies in America, if they were made partakers of the advantages and privileges which the natural-born subjects of this realm do enjoy," Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of June, in the year of our Lord one thousand seven hundred and forty, all persons born out of the legiance of his Majesty, his heirs or successors, who have inhabited and resided, or shall inhabit or reside for the space of seven years or more in any of his Majesty's colonies in America, and shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, and shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an Act made in the first year of the reign of his late Majesty George the first,

Foreigners living seven years in any of our colo-

nies to be deemed natives, on taking the Oath, &c.

entituled, An Act for the further security of his Majesty's person and government, and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, his open and secret abettors; or being of the people called Quakers, shall make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by an Act made in the eighth year of the reign of his said late Majesty, entituled, An Act for granting the people called Quakers such forms of affirmation or declaration as may remove the difficulties which many of them lie under; and also make and subscribe the profession of his Christian belief, appointed and prescribed by an Act made in the first year of the reign of their late Majesties King William and Queen Mary, entituled, An Act for exempting their Majesties' Protestant subjects from the penalties of certain laws, before the Chief Judge or other Judge of the colony wherein such persons respectively have so inhabited and resided, or shall so inhabit and reside, shall be deemed, adjudged, and taken to be his Majesty's natural-born subjects of this kingdom to all intents, constructions, and purposes, as if they, and every of them, had been or were born within this kingdom; which said oath or affirmation and subscription of the said declarations respectively, the Chief Judge or other Judge of every of the said respective colonies is hereby enabled and empowered to administer and take, and the taking and subscribing of every such oath or affirmation, and the making, repeating, and subscribing of every such declaration, shall be before such Chief Judge or other Judge in open court, between the hours of nine and twelve in the forenoon; and shall be entered in the same court, and also in the Secretary's office of the colony wherein such person shall so inhabit and reside; and every Chief Judge or other Judge of every respective colony, before whom such oaths or affirmation shall be taken, and every such declaration shall be

Quakers to subscribe the declaration of fidelity.

made, repeated, and subscribed as aforesaid, is hereby required to make a due and proper entry thereof in a book to be kept for that purpose in the said court; for the doing whereof two shillings and no more shall be paid at each respective place, under the penalty and forfeiture of ten pounds of lawful money of Great Britain for every neglect or omission: and in like manner every Secretary of the colony wherein any person shall so take the said oaths or affirmation, and make, repeat, and subscribe the said declarations respectively as aforesaid, is hereby required to make a due and proper entry thereof in a book to be kept for that purpose in his office, upon notification thereof to him by the Chief Judge or other Judge of the same colony, under the like penalty and forfeiture for every such neglect or omission.

Entries to be made in books to be kept for public inspection: 2s. to be paid and no more for each entry, on 10l. penalty. The same penalty on Secretary's neglecting to register.

II. Provided always, and be it enacted by the authority aforesaid, That no person, of what quality, condition, or place soever, other than and except such of the people called Quakers, as shall qualify themselves and be naturalized by the ways and means hereinbefore mentioned, or such who profess the Jewish religion, shall be naturalized by virtue of this Act, unless such person shall have received the sacrament of the Lord's Supper in some Protestant and reformed congregation, within this kingdom of Great Britain, or within some of the said colonies in America, within three months next before his taking and subscribing the said oaths, and making, repeating, and subscribing the said declaration; and shall at the time of his taking and subscribing the said oaths, and making, repeating, and subscribing the said declaration, produce a certificate signed by the person administering the said sacrament and attested by two credible witnesses, whereof an entry shall be made in the secretary's office of the colony wherein such person shall so inhabit and reside, as also in the court where the said oaths shall be so taken as aforesaid, without any fee or reward.

Each qualified person to receive the sacrament, except Quakers and Jews. 20 Geo. II. c. 44.

III. And whereas the following words are contained in the latter part of the oath of abjuration, *videlicet*, *(upon the true faith of a Christian)* "and whereas the people professing the Jewish religion may thereby be prevented from receiving the benefit of this Act;" Be it further enacted by the authority aforesaid, That whenever any person professing the Jewish religion shall present himself to take the said oath of abjuration in pursuance of this Act, the said words *(upon the true faith of a Christian)* shall be omitted out of the said oath in administering the same to such person, and the taking and subscribing the said oath by such person professing the Jewish religion, without the words aforesaid, and the other oaths appointed by the said ACT, in like manner as Jews were permitted to take the oath of abjuration by an Act made in the tenth year of the reign of his late Majesty King George the First, entituled, *An Act for explaining and amending an Act of the last Session of Parliament, entituled,* An Act to oblige all persons, being Papists, in that part of Great Britain called Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the security of his Majesty's person and government, by several Acts herein mentioned, to register their names and real estates, and for enlarging the time for taking the same oaths and making such registers, and for allowing further time for the enrolment of deeds or wills made by Papists, which have been omitted to be enrolled pursuant to an Act of the third year of his Majesty's reign; and also for giving relief to Protestant lessees, shall be deemed a sufficient taking of the said oaths, in order to entitle such persons to the benefit of being naturalized by virtue of this Act.

Jews taking the oaths may omit some Christian expressions.

IV. And be it further enacted by the authority aforesaid, That a testimonial or certificate, under the seal of any of the said colonies, of any person having resided and inhabited for the space of seven years or more, as afore-

Certificates given by the colony, of residence, taking the oaths, &c. to be allowed proper

said, within the said colonies or some of them, to be specified in such certificate, together with the particular time of residence in each of such respective colonies, (whereof the colony under the seal of which such certificate shall be given to be one) and of his having taken and subscribed the said oaths, and of his having made, repeated, and subscribed the said declaration; and in case of a Quaker, of his having made and subscribed the declaration of fidelity, and of his having taken and affirmed the effect of the abjuration oath as aforesaid; and in the case of a person professing the Jewish religion, of his having taken the oath of abjuration as aforesaid, within the same colony, under the seal whereof such certificate shall be given as aforesaid, shall be deemed and taken to be a sufficient testimony and proof thereof, and of his being a natural-born subject of Great Britain to all intents and purposes whatsoever, and as such shall be allowed in every court within the kingdoms of Great Britain and Ireland, and also in the said colonies in America.

evidence in all the courts of Great Britain and Ireland. This clause is extended by 20 Geo. II. c. 44.

V. And be it further enacted by the authority aforesaid, That every secretary of the said respective colonies for the time being, shall and is hereby directed and required at the end of every year, to be computed from the said first day of June in the year of our Lord one thousand seven hundred and forty, to transmit and send over to the office of the Commissioners for Trade and Plantations kept in the city of London or Westminster, a true and perfect list of the names of all and every person and persons who have in that year entitled themselves to the benefit of this Act, under the penalty and forfeiture of fifty pounds of lawful money of Great Britain, for every neglect or omission: all which said lists so transmitted and sent over, shall from year to year be duly and regularly entered by the said Commissioners, in a book or books to be had and kept for that purpose in the said office, for public view and inspection, as occasion shall require.

Secretary of the colony to send over to the Commissioners of Trade lists yearly, to be registered in England, on penalty of 50l.

Provision extended to the Unitas Fratrum by 20 Geo. II. c. 44. *See further*—22 Geo. II. c. 45, and 29 Geo. II. c. 5, enabling his Majesty to grant commissions to a certain number of foreign Protestants to act in America.

VI. Provided always, and it is hereby further enacted, That no person who shall become a natural-born subject of this kingdom by virtue of this Act shall be of the Privy Council, or a member of either House of Parliament, or capable of taking, having, or enjoying any office or place of trust within the kingdoms of Great Britain or Ireland, either civil or military, or of having, accepting, or taking, any grant from the Crown to himself, or to any other in trust for him, of any lands, tenements, or hereditaments, within the kingdoms of Great Britain and Ireland; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

ANNO TRICESIMO GEORGII III. CAP. XXVII.

An Act for encouraging new Settlers in his Majesty's Colonies and Plantations in America.

Preamble.

WHEREAS it is expedient that encouragement should be given to persons that are disposed to come and settle in certain of his Majesty's colonies and plantations in America and the West Indies, be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of August, one thousand seven hundred and ninety, if any person or persons, being a subject or subjects of the territories or countries belonging to the United States of America, shall come from thence, together with his or their family or families, to any of the Bahama, Bermuda, or Somers Islands, or to any part of the province of Quebec or of Nova Scotia, or of any of the territories belonging to his Majesty in North America, for the purpose

From August 1st, 1790, subjects of the United States of America, settling in the Bahama Islands, &c. may import Negroes, &c. duty free, to the value herein specified, &c.

of residing and settling there, it shall be lawful for any such person or persons, having first obtained a licence for that purpose from the Governor, or, in his absence, the Lieutenant-Governor of the said islands, colonies, or provinces, respectively, to import into the same, in British ships, owned by his Majesty's subjects, and navigated according to law, any negroes, household furniture, utensils of husbandry, or clothing free of duty. Provided always, That such household furniture, utensils of husbandry, and clothing, shall not in the whole exceed the value of fifty pounds for every white person that shall belong to such family; and the value of forty shillings for every negro brought by such white person; and, if any dispute shall arise as to the value of such household furniture, utensils of husbandry, or clothing, the same shall be heard and determined by the arbitration of three British merchants at the port where the same shall be imported, one of such British merchants to be appointed by the Governor, or, in his absence, the Lieutenant-Governor of such island or province, one by the collector of the customs at such port, and one by the person so coming with his family.

Sales of negroes, &c. so imported within twelve months to be void.

II. And be it further enacted, That all sales or bargains for the sale of any negro, household furniture, utensils of husbandry, or clothing, so imported, which shall be made within twelve calendar months after the importation of the same (except in cases of the bankruptcy or death of the owner thereof) shall be null and void to all intents and purposes whatsoever.

All white persons coming so to reside, to take the oath of allegiance, if upwards of 14 years old.

III. And be it further enacted, That every white person so coming to reside, if above the age of fourteen years, shall, and he is hereby required, immediately after his arrival, to take and subscribe the oath of allegiance to his Majesty, his heirs and successors, before the Governor, Lieutenant-Governor, or chief magistrate of the place where such person shall arrive, and at the same time swear

that it is his intention to reside and settle in such island or province; for which oaths such Governor, Lieutenant-Governor, or chief magistrate, shall receive the same fee, and no more, as is payable by law on administering the oath of allegiance in cases where the same is now by law required.

There is no difficulty whatever in deciding what was the intention of these Acts. It was good: it was politic: it was liberal: it went to encourage the people of all nations to settle in our colonies. With the *first* Act in his hand, a Frenchman or Jew, or a *Turk*, (if he took the sacrament, &c. as required) might enter our colonies with confidence that he would have all the benefits of British subjects as soon as he had resided seven years, and taken the oath of allegiance. Could he doubt that the chief judge, or other judge, would refuse to administer to him the oath after he had resided seven years in the colony?—would it be warrantable for the judge so to refuse? and if the judge refused, could the alien insist that the oath should be administered to him, by which he might be put in possession of all "the advantages and privileges which natural-born subjects enjoy?" Certainly he would be entitled to have the oath administered to him; and the judge could not in duty refuse to administer it when called upon. The *second* Act is still more liberal as to the admission of aliens; but its benefits are confined to subjects of the United States. To subjects of the

United States this Act, it is clear, dispenses with the seven years residence; seeing that it *requires* any such person coming to reside to take and subscribe the oath of allegiance to his Majesty "*immediately after his arrival;*" and if the first ACT imposed it as a duty on judges to administer the oath to any foreigner, after seven years residence, this ACT does still more clearly impose such a duty upon "the Governor, Lieutenant-Governor, or chief magistrate of the place where such person shall arrive." This ACT admits of subjects of the United States coming into Upper Canada, and insisting on having the oath of allegiance administered to them. They may come in or stay away, as they choose, but there is no choice to the Governor, Lieutenant-Governor, or chief magistrate, as to administering or not administering the oath. It requires of the settler "*immediately* after his arrival," to take the oath, and of course the oath must be administered by those competent and specially named for the performance of that duty. That the duty is imperative upon them is more obvious from their being restricted as to the amount of fees for performing it.

Neither of the acts say any thing of commissioners being appointed to administer the oath of allegiance to settlers. The *first* ACT names "the chief judge or other judge" as the person whose duty it is to administer the oath: the *second* names "the Governor, Lieutenant-Governor, or chief magistrate of the place." The appointing of commissioners to administer the oath of allegiance was

a capricious whim of the rulers of Upper Canada, and the "special authority" was *arbitrary authority*, which the law did not warrant. When I went out to Upper Canada, there was much doubting, demurring, and disputing, about these express and clear ACTS of the British Parliament; and there were some persons so confused in their notions that they argued in behalf of the Governor's arbitrary will, from a clause more especially made to encourage settlers, viz. that which gives them a release from duties on certain imported goods. This clause speaks of settlers "having first obtained a licence," and the wise-acres inferred from these words that settlers themselves could not come in *without* licence. The licence was to clear their goods from duty—a licence which could not be refused when regularly applied for; which, in fact, instead of being intended to bar them out, was to give greater encouragement to their coming in.

Notwithstanding the Governor's CIRCULAR of 14th October, 1815, certain of the commissioners appointed to administer the oath of allegiance did not very strictly regard the "*special authority*." They were land-owners, and could not well afford to have the sale and settlement of their land impeded by arbitrary punctilio. They administered the oath without leave in "each case," from the Lieutenant-Governor's office. Here then was a fine display. The Governor issuing orders, and petty magistrates holding these in contempt. This contempt naturally spread forth, and excited a

general sneer; and this again provoked and awakened the jealousy and ire of creatures of the Government. They saw sedition on every side; and the country, which had held out against powerful invasion for three years, was now thought in jeopardy from internal plots. Armies could not conquer it in war; yet there was dread from solitary unarmed individuals in the time of peace!! such are the natural consequences of exercising power wilfully and capriciously: such are the results of ignorance and illiberality.

After the Assembly had been dismissed by the Lieutenant-Governor, for DARING *to resolve* that certain British statutes were in existence which admitted of free settlement from the United States, the non-conforming Commissioners did not the more respect the Governor's CIRCULAR, but continued to administer the oath of allegiance to settlers from that country. This, however, was soon put a stop to. The Governor could make and unmake commissioners; and to be sure he sent forth a second

CIRCULAR.

Lieutenant-Governor's Office,
York, 16th April, 1817.

"SIR,

"I am commanded by his Excellency the Lieutenant-Governor to inform you, that the commission constituting and appointing the Honourable Robert Hamilton, Benjamin Pawling, Peter Tinboak, John Warren, William Dickson, Robert Nelles, Richard Hatt, Samuel Hatt, and Thomas

Dickson, Esquires, Commissioners to tender and administer the oath of allegiance to all persons within the district of Niagara, has been suspended, and that a new commission has issued appointing the Honourable William Claus, Thomas Dickson, Robt. Nelles and Ralph Clench, Esquires, Commissioners for that purpose.

"The new commission has been transmitted to the Clerk of the Peace of the District of Niagara, of which you will please take notice, and govern yourself accordingly.

"(Signed) D. CAMERON, Secretary."

After this, the CIRCULAR of 14th October, 1815, was again issued under date 8th May, 1817, and the business was completed. The Governor had now selected Commissioners who were quite submissive to his will; not a settler could come in from the United States without his "special authority;" and, by and by, none came to trouble themselves about the matter.

After Lieutenant-Governor Gore had thus made all secure against the free admission of subjects of the United States, he left Upper Canada for England, and was thus addressed by the inhabitants of Little York previous to his departure.

To his Excellency Francis Gore, Esq. Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

We, the Judges, Magistrates, and other inhabitants of the town of York, having, with much concern, learned that your Excellency is about to depart on your private affairs to England, by which the province will be for a time deprived of the benefits of your wise and vigorous administration, take this opportunity of repeating those expressions of our sentiments of gratitude to your Excellency with which we congratulated your happy return,

The kind regard which your Excellency has always manifested for the prosperity and interests of this town, claims from us the warmest acknowledgments, in addition to those which we feel in common with all our fellow-subjects for your paternal anxiety in promoting the happiness and prosperity of the whole province.

The wisdom of the measures by which you have preserved this province to be a truly British colony; and the solicitude with which you have watched over the welfare of his Majesty's subjects, and cherished those sentiments of loyalty to the best of kings, and that affectionate attachment to the parent state, by which alone this colony can be a valuable appendage to the crown, or an agreeable residence for British subjects, will be long remembered with gratitude, and experienced as a fruitful source of happiness when the present age shall have passed away.

The experience which we have already enjoyed of your Excellency's exertions in England to promote the interests of this province, encourages the hope of their renewal, when your Excellency lays at the feet of his Royal Highness the Prince Regent proofs of the gradual increase and prosperity of this Province, from your faithful administration.

Though convinced that your Excellency will always continue the friend and protector of this province, we cannot forego the pleasing expectation of your return; and while our best wishes attend your Excellency and family on your journey, we sincerely pray that this expectation may not be disappointed.

(Signed) WM. DUMMER POWELL,
THOS. SCOTT,
WM. CAMPBELL,
JN. BALEY,
JOHN STRACHAN, D. D.
D'ARCY BOULTON,
and 86 others.

(Presented 24th May, 1817.)

We are not to be surprised at the inhabitants of Little York addressing the Lieutenant-Governor as above, within a month of his having hastily broken up the sitting of Parliament in the midst of the most important business in which it had ever been engaged; and after he had, for eighteen months, been acting in direct opposition to statute law. The inhabitants of Little York were his creatures; and false, fulsome compliment was the *sine qua non* of patronage and favour. But I have a more curious and important document to produce, than the address of "the Judges, Magistrates, and other inhabitants of York." I have an address of the Legislative Council and Assembly to his Royal Highness the Prince Regent, not only complimenting Lieutenant-Governor Gore on his administration, but interceding for the Prince's permission to bestow upon him a reward to the amount of £3000 out of the taxes of the province, five months after he had issued his first CIRCULAR, imposing restraints on settlers coming to purchase land, under the sanction of statute law,—restraints which were then leading to the disgrace, impoverishment, and ultimate jeopardy of the country.

To his Royal Highness George Prince of Wales, Prince Regent of the United Kingdom of Great Britain and Ireland, &c. &c. &c.

MAY IT PLEASE YOUR ROYAL HIGHNESS,

WE, his Majesty's most dutiful and loyal subjects, the Legislative Council and House of Assembly of the province of Upper Canada in provincial Parliament assembled,

impressed with a lively sense of the firm, upright, and liberal administration of Francis Gore, Esq. Lieutenant-Governor of this province, as well as of his unceasing attention to the individual and general interests of the colony during his absence, have unanimously passed a bill to appropriate the sum of three thousand pounds, to enable him to purchase a service of plate, commemorative of our gratitude.

Apprized that this spontaneous gift cannot receive the sanction of our beloved Sovereign in the ordinary mode, by the acceptance of the Lieutenant-Governor in his name and behalf, we, the Legislative Council and Assembly of the province of Upper Canada, humbly beg leave to approach your Royal Highness with an earnest prayer that you will approve this demonstration of our gratitude, and graciously be pleased to sanction, in his Majesty's name, the grant of the Legislature in behalf of the inhabitants of Upper Canada.

Legislative Council Chamber, 26th March, 1816.

(Signed) WM. DUMMER POWELL,
Speaker.

(Signed) ALLEN MACLEAN,
Speaker.

Commons House of Assembly, 25th March, 1816.

To which his Excellency replied,

GENTLEMEN,

I shall transmit your address to his Majesty's Minister, in order that this expression of your approbation of my past administration may be laid at the feet of his Royal Highness the Prince Regent.

Government House, York, 26th March, 1816.

This closes the official documents in a series of transactions as lamentably ridiculous, as big with

inconsistency, as contrary to common sense, sound policy, and discretion, as ever blotted and blurred the annals of provincial government. Let us recapitulate and explain.

The British ministry, I have said above, page 417, sent out an order to Canada to check the ingress of American settlers*. They had done so without thinking that they were proceeding in the teeth of statute law: they had acted upon very erroneous information as to any necessity for what they did, even though they had been entitled to dictate: they did so with a bad grace indeed, when they took no pains to make arrangements for the comfortable reception and accommodation of British emigrants; and in doing so they manifested a thorough ignorance of the state of property in the province, of the system of management which had all along prevailed there, and of the real means of rectifying the mischief which that management had incurred. The executive government had an unquestionable right to give away or withhold waste lands of the crown, unchallenged by the British parliament, and unhappily parliament had never gone into discussion upon, or even thought of interfering with, this right. The executive government had been lavish in giving away land, so much so that their lavish gifts had totally marred the progress of prosperous settlement. Actual settlers were stuck

* My authority for this assertion was D. Cameron, who signs the above CIRCULAR of 16th April, as secretary to the Lieutenant-Governor.

in at this place and that; but no sooner were they fixed down than they were surrounded with reserves, and blocks given away to drones and absentees. Now, in the first place, it is necessary to consider that after the waste land was given away, it had certain rights attached to it. Its owners were entitled to claim all the benefits which were originally granted to the province by the constituting statute of 31st Geo. III. and these benefits were great. The constituting Act, while it existed, secured to private property every advantage which could be found in the British statute book prior to its date. It secured to it the benefits of the statutes given above at length, viz. the 13th Geo. II. and 30th Geo. III. Upon the faith of having the benefit of these statutes, the chief value of lands in Canada rested; and upon this faith purchases were made, and speculations set on foot with confidence. Land speculators in Upper Canada had seen, since the beginning of Simcoe's government, up to the invasion, the most liberal admittance of people from the United States. They had seen these people invited in by proclamation*, and treated with land for the payment of

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*A PROCLAMATION

To such as are desirous to settle on the lands of the Crown in the Province of

UPPER CANADA,

BY HIS EXCELLENCY

JOHN GRAVES SIMCOE, ESQUIRE,

Lieutenant-Governor and Commander-in-Chief of the said Province, and Colonel commanding his Majesty's Forces, &c. &c. &c.

Be it known to all concerned, that his Majesty hath, by

fees, little more than adequate to defray the expences of the survey and grant. They had spe-

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his royal commission and instructions to the Governor, and in his absence, to the Lieutenant-Governor or person administering the government for the time being, of the said province of Upper Canada, given authority or command to grant the lands of the Crown in the same by patent under the great seal thereof; and it being expedient to publish and declare the royal intention respecting such grants and patents, I do accordingly hereby make known the terms of grant and settlement to be:

FIRST.—That the crown lands to be granted be parcel of township: if an inland township of ten miles square, and if a township on navigable waters, of nine miles in front and twelve miles in depth be run out and marked by his Majesty's surveyor or deputy-surveyors-general, or under his sanction and authority.

SECOND.—That only such part of the township be granted as shall remain after a reservation of one-seventh part thereof, for the support of a Protestant Clergy, and one-seventh part thereof for the future disposition of the Crown.

THIRD.—That no farm lot shall be granted to any one person which shall contain more than two hundred acres; yet the Governor, Lieutenant-Governor, or person administering the government is allowed and permitted to grant to any person or persons such further quantity of land as they may desire, not exceeding one thousand acres, over and above what may have been granted to them.

FOURTH.—That every petitioner of lands *make* it appear that he or she is in a condition to cultivate and improve the same, and shall, besides taking the usual oaths, subscribe a declaration (before proper persons, to be for

culated;—they had purchased land on no other hope whatever, but to retail out such land to

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that purpose appointed), of the tenor of the words following, viz. "I, A. B. do promise and declare that I will "maintain and defend to the utmost of my power, the "authority of the King in his Parliament as the supreme "legislature of this province."

FIFTH.—That applications for grants be made by petition to the Governor, Lieutenant-Governor, or person administering the government for the time being, and where it is advisable to grant the prayer thereof, a warrant shall issue to the proper officer for a survey thereof, returnable within six months, with a plot annexed, and be followed with a patent, granting the same, if desired, in free and common soccage, upon the terms and conditions in the royal instructions expressed, and hereinafter suggested.

SIXTH.—That all grants reserve to the Crown, all coals, commonly called sea-coals, and mines of gold, silver, copper, tin, iron, and lead; and each patent contain a clause for the reservation of timber for the royal navy, of the tenor following: "And provided also, that no part of the "tract or parcel of land hereby granted to the said ——— "and his heirs be within any reservation heretofore made "and marked for us, our heirs and successors by our Sur- "veyor-General of woods, or his lawful deputy; in which "case this our grant for such part of the land hereby "given and granted to the said ——— and his heirs for "ever as aforesaid, and which shall upon survey thereof "being made, be found within any such reservation, shall "be null and void, any thing herein contained to the "contrary notwithstanding."

SEVENTH.—That the two sevenths reserved for the Crown's future disposition, and the support of a Protestant clergy, be not several tracts each of one-seventh part of the

American settlers; and they had ACTS of the British parliament to ratify their hopes. Was there ever, then, such a breach of faith, such a

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township, but such lots or farms therein as in the Surveyor-General's return of the survey of the township, shall be described as set apart for these purposes, between the other farms of which the said township shall consist, to the intent that the lands to be reserved may be nearly of the like value with an equal quantity of the other parts to be granted out as aforementioned.

EIGHTH.—That the respective patentees are to take the estates granted to them severally free of quit-rent and of any other expences, than such fees as are or may be allowed to be demanded and received by the different officers concerned in passing the patent and recording the same, to be stated in a table authorized and established by the government, and publicly fixed up in the several offices of the Clerk of the Council, of the Surveyor-General, and of the Secretary of the province.

NINTH.—That every patent be entered upon record within six months from the date thereof, in the Secretary's or Register's offices, and a docket thereof in the Auditor's office.

TENTH.—When it shall be thought advisable to grant any given quantity to one person of one thousand acres or under, and the same cannot be found by reason of the said reservations and prior grants within the township in the petition expressed, the same, or what shall be requisite to make up to such person the quantity advised, shall be located to him, in some other township, upon a new petition for that purpose to be preferred.

And of the said several regulations, all persons concerned are to take notice, and govern themselves accordingly.

Given under my hand and seal, in the city of Quebec,

departure from ancient custom, such a criminal counteraction of law as that of the British ministry putting restraint on the admission of settlers from the United States? They had a perfect and unquestioned right to cease giving away the wild lands of the crown to Americans or others; but they had no right on earth to interfere with legalized commerce—with the rights of property established on the most sacred basis; and if there had been a spark of sense, determination and vigour in the parliament of Upper Canada, there would have been an impeachment moved against the men, whoever they were, whether home ministers or provincial ministers, who dared to take such liberties as were taken. If it could be proved to be fact, that the ingress of Americans, after the war, was dangerous and incompatible with the continuance of British rule, then there were two constitutional methods of proceeding, to put a stop to that ingress. *First*, it might have been proposed to the provincial parliament to repeal the

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the seventh day of February, in the thirty-second year of his Majesty's reign, and in the year of our Lord, one thousand, seven hundred and ninety-two.

JOHN GRAVES SIMCOE.

By his Excellency's command,

THOMAS TALBOT, *Acting-Secretary.*

Reprinted at Newark, by G. Tiffany, 1795.

statutes 13th Geo. II. and 30th Geo. III.; and if the provincial parliament did repeal these, the point was settled, legally and constitutionally settled. If the provincial parliament refused to repeal these statutes, then the British parliament might have interfered,—might have repealed the statute 31st Geo. III. and then have constitutionally and legally dictated as to the coming in of American settlers, or any thing else, which the inhabitants of the province would submit to without rebellion. Had the statutes 13th Geo. II. and 30th Geo. III. been allowed to take their course; had governors, and judges, and chief magistrates, done their duty, and no more; had they administered the oath of allegiance to every Frenchman, Jew, or Turk, who had resided seven years in the province, and fulfilled other conditions; had they administered it to every subject of the United States who simply presented himself before them "*immediately after his arrival,*"—then I am most thoroughly convinced that Upper Canada would, by this time, have been, without all exception, the most flourishing spot in America, from Cape Horn to Hudson's Bay. Some of the best people of the United States would now have been settled in it; and many of those intelligent and wealthy emigrants, who have gone, and are still going from this country to America, would have given it a preference. I myself could have directed thousands to the province, had I found public faith respected and maintained,—had I found person and property safe, the two grand objects of good government;

but who could recommend a country where all was the reverse? who could put in comparison independent America with a province abused in every way as Upper Canada has been, its good laws trodden upon, and its execrable Sedition Act taken advantage of to imprison and banish a British subject, whose greatest glory would have been in its prosperity, and who is still toiling to rescue it from poverty and shame? Yes! it shall be the last effort of my life to persevere and requite good for evil,—to gain for Upper Canada independence, peace, and prosperity.

What harm could possibly have resulted from administering the oath of allegiance to subjects from the United States, or to the people of any other nation? Does the oath of allegiance protect any one in Canada who has committed crime from punishment; quite the reverse. It renders him more amenable to every law that is consistent with reason, which is rational and fair; but here was the secret? it gave him protection from the execrable sedition act; and there is a record to justify my suspicion. On turning over the file of the Kingston Gazette, I found the following article:

UPPER CANADA.

GEORGE THE THIRD, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, KING, DEFENDER OF THE FAITH.

"WHEREAS it has been represented to us, that divers persons who withdrew from the protection of our govern-

ment, immediately previous to the late declaration of war, by the United States of America, or during actual hostilities, are about to return to our province of Upper Canada. We have found fit by and with the advice of our Executive Council, to call upon the members of the Legislative and Executive Councils, the judges and others commissioned to carry into effect the provisions of a certain statute made and passed in the forty-fourth year of our reign, entituled, 'An Act for better securing this province against all seditious attempts or designs to disturb the tranquillity thereof,' to be vigilant in the execution of their duty, under the authority of the above recited Act.

"In testimony whereof we have caused these our letters patent to be made patent; and the great seal of our province to be hereunto affixed, witness our trusty and well-beloved Sir George Murray, Knight Grand Cross of the most honourable military Order of the Bath, Lieutenant-General commanding our forces within our province of Upper Canada, and provisional Lieutenant-Governor of the said province, at York, this sixteenth day of May, in the year of our Lord, one thousand, eight hundred and fifteen, and fifty-fifth year of our reign.

"W. JARVIS, Secretary. G. M."

Here is the secret disclosed: here is the wheel within a wheel—the *imperium in imperio*. In order to retain arbitrary power: in order to keep the hold which the provincial parliament had given to governors, judges, and magistrates, by passing the sedition act of 1804, it was found necessary to put under restraint the accustomed licence of the commissioners, who had hitherto freely administered the oath of allegiance to aliens. It must have soon become obvious, after the above proclamation was issued, that while outlawed per-

sons and aliens could go to a magistrate, and upon their desire have the oath of allegiance administered to them, that they got immediately out of the toils of the sedition Act of 44th Geo. III. Alas! alas! how miserable are the shifts of tyranny! Was it to keep hold of such power as that of the sedition Act, to which the wise, the liberal, the excellent statutes of the British parliament for encouraging the settlement of our colonies were sacrificed:—was it for this, alas! alas! that Upper Canada was disgraced, impoverished, and ruined? It must have been for this, and for this alone; but, let us calmly consider the wretched policy which is now unfolded and seen through. In page lxxxii of my General Introduction, I have observed, "How easily could thousands of aliens or others, having seditious designs, steal into the province, and by renting tenements for six months, unknown to government, get beyond the action of the sedition law." With six months residence, there is no need of the oath of allegiance to get clear of its hold. All that the sedition Act can accomplish is banishment, and it cannot take hold of one in the hundred who may be suspected of sedition for this end. When any man had taken the oath of allegiance, sedition, on his part, then became crime; nay, he could be prosecuted as a traitor within the province: while on the other hand, an alien having got beyond the power of the sedition act by six months residence, without taking the oath of allegiance, was really not so easily to be kept in check by fear of the common

law; and so it was absolutely to *gain a loss* that the rulers of Upper Canada were niggard in administering to subjects of the United States the oath of allegiance;—to gain a loss in two ways. They lost thereby the power of duly punishing sedition and treason, if such really existed; and they gained the tremendous loss of preventing money and the best possible settlers from coming into the province! Were weakness and crime ever so completely associated as in such policy? a wretched law acted upon for no purpose whatever, and truly good laws sacrificed that this wretched law might have a chance to be put in action!!!

How little did I imagine, when writing my first address to the Resident Landowners of Upper Canada, that their "fine country" had such terrific canker-worms gnawing at the root of its prosperity. On my journey through the western parts of the province, the reserves, the lands of non-occupants, the poverty and ignorance of the people, the manner in which many of them had been blocked up in Dundas Street, and elsewhere;—all appeared palpable bars to improvement. On this journey, too, I had an immediate, a clear, and well-authenticated proof of the total disregard of good faith and duty on the part of the Executive Government*, and was constantly

* It would require volumes to register the numerous instances of caprice, irregularity, and injustice, which all along have marked the conduct of the Executive Government of Upper Canada. The one above alluded to can be

hearing complaints of the land-granting department: yet still I thought all resulted from the

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distinctly understood, and I shall therefore set it before the reader as sufficient proof of mal-practice. While travelling on what is called Talbot road, I heard a violent outcry because of an arbitrary order recently issued from Little York, which trenched on the established rules as to the rights of U. E. loyalists,—rights which had hitherto been held peculiarly sacred. These loyalists of the United Empire were people who had been marked for their strong attachment to the British cause during the revolutionary war of America. Their names were entered in a special register, and their children, at a certain age, were entitled to 200 acres of land each, without fee or obstruction, by a simple form of application; and this land they were to hold or dispose of as they chose; but now, after sales had been effected, the rulers at York interfered and threw obstacles in the way of the conveyance of deeds. I happened to lodge one night at a tavern, the master of which had got into great difficulties from this species of interference, and addressed a letter to a man of the first repute for intelligence as to the affairs of the Talbot settlement, Colonel Burwell, a member of parliament. An extract from my letter and from his, in reply, will be quite sufficient, with this introduction, to make the grievance manifest.

"Lee's Tavern, Yarmouth, 7th Dec. 1817.

"Dr. Lee, in whose house I am now writing, tells me that he purchased his farm here from U. E. loyalists some years ago, and that since then a rule has been adopted in Council to prevent sales being effected till after three years holding by the original grantee. He tells me that under

sloth, the ignorance, the infatuation of Little York. I then thought that nothing more was

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the action of this rule not only he but hundreds more have been put to great trouble, and are still kept in a state of suspense, with regard to the right of possession. Could you be so good as tell me how all this is? The Council surely can never wish to give their rule a retrospective influence. Candid explanation may prevent confusion, and put a stop to the growing discontent of settlers."

To this Colonel Burwell replied:

"Southwold, 12th Dec. 1817.

"In your letter to me of 7th instant; you ask information respecting the situation in which Dr. Lee's farm now lies. I am acquainted with the circumstances, and know of several others similarly situated. Some time since Colonel Talbot located Susannah Berdon, *alias* Susannah Thomson, daughter of Albert Berdon, of Woodhouse, an U. E. loyalist, on the lot of land alluded to in your letter, subject to a settlement duty required by an order of Council before mentioned, for the performance of which settlement duty two years were to be allowed. Samuel Thomson, the husband of the said Susannah Berdon, performed the settlement duty agreeable to the said order of Council, and procured the Commissioner's certificate to that effect, and him and his wife, the said Susannah, bargained and sold the said lot to Dr. Lee, by a bond, with a penalty of five hundred pounds to convey the same to him by deed as soon as the King's patent should issue to the said Susannah Berdon, *alias* Susannah Thomson.

"When Dr. Lee took possession of the lot he began

required for the correction of evil than that a true and plain statement of facts should be laid before

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improving, and soon made the farm worth more than the penalty of the obligation which he holds against Mr. Thomson for the deed.

" During the winter of 1816-17, it was rumoured through the province that the Provincial Executive Government had made a new regulation in regard to the King's patents or deeds, to prevent the grantees from selling within three years after the date of the patents. The Doctor, as well as many others situated like him, was much alarmed at this regulation. His improvement was already worth more than the penalty of the obligation which he held for his deed. He wished to make further improvements before the expiration of three years, and fearing that something might happen to Mr. Thomson before the expiration of that term, or that he might have a disposition to pay the penalty of the bond, and keep the farm, improvements and all, the Doctor desired me to go with him to Mr. Thomson, and endeavour to persuade him to sign a bond with a much larger penalty, to make him a deed when the three years should be expired, so that he might be secured in making further improvements. This was before the patent or deed issued. In answer to our solicitations, Mr. Thomson replied with a great deal of warmth and ill nature, that, ' when he took possession of ' the lot of land, the Provincial Executive Government ' stood pledged to him, by a public and solemn act of their ' own, to make him a deed for the said lot of land in the ' usual form, that is to say, immediately to him and his ' heirs and assigns for ever, as soon as he could perform ' the settlement duty, for which two years were allowed. ' He had performed his settlement duty agreeable to the

our home ministers, and I dispatched repeated letters to England, to be presented to Lord Ba-

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'said order of Council, and sold his lot under the faith of 'it. The Executive Government were now pleased to say 'that notwithstanding he had bound himself to make a 'conveyance, as soon as the King's patent could be legally 'issued, he should not be allowed to do so under three 'years after the issuing of the patent, which he said was as 'much a breach of faith as though they were to say that 'the patent should never issue. He was, therefore, deter-'mined not to execute a bond with any higher penalty, 'under such state of doubtfulness.'

"The Doctor and myself left him, and the patent has since issued, containing the following clause, or proviso, viz.

"'Provided always, That if at any time or times here-'after, within the space of *three years* from the date of 'these presents, the said Susannah Thomson, by any deed 'of bargain and sale, release, exchange, or other convey-'ance, shall grant, bargain, sell, alien, release, or convey, 'all or any part of the said parcel or tract of land hereby 'granted, then in such case this our grant for such part of 'the land so given and granted to the said Susannah 'Thomson and her heirs, as aforesaid, shall be null and 'void, any thing herein contained to the contrary thereof 'in any wise notwithstanding.'

"An acquaintance of your's, Mr. James Hamilton, son of the late Honourable Robert Hamilton, of Queenston, has purchased a lot, and will be affected in the same way, unless the order of Council should be rescinded before the patent to the original grantee issues."

A more wanton and mischievous interference of ar-

thurst, as frank as they were sincere and unsuspicious*. Alas! I had not then sufficient expe-

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bitrary power with the rights of property than the above, cannot well be conceived; and it is only a sample of provincial practice.

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* Being in the habit of keeping copies of my letters, I have now looked into those above alluded to. They will at once speak for my sincerity as to my views in Canada, and show that if matters are going on there up to the present time in a manner at once wasteful, disgraceful, and ruinous, as I know to be the case, it is no fault of mine that ministers have remained so long indifferent. These letters arrived in England, and were presented at least to Mr. Goulburn, to my knowledge. Sir H. Torrens will excuse me for publishing them; and saying that a banished man, who has been scandalously traduced on both sides of the Atlantic by Government prints, can readily find excuse for shyness to him on the part of an adjutant-general. No man, however, breathes who has, first and last, entertained purer intentions. First and last my endeavours in the cause of Canada have been great and good; and, my most anxious desire is to see the subject brought openly and fairly before the British Parliament. It is that chiefly for which I desire to live.

York, Upper Canada, Nov. 3, 1817.

MY DEAR LADY TORRENS,

I write to you, rather than Sir Henry, because I would not occupy his time at the Horse Guards; and because I would be glad if you would talk with him when at home, and at leisure, on the subject of my letter.

rience of human nature, nor had I fully reflected on what tyranny could effect. I had not then

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On leaving England, I thought it a good opportunity of offering to the Duke of S—— to give up my farm, and to refer every thing to gentlemen. I expected that my absence would induce him to drop all spite and persecution, and accept of this, but he has refused, hoping to make profit of my misfortunes. This unsettled state of my affairs at home has prevented my forming any steady plan of proceeding now; but to divert my mind, I have lately come to a resolution of publishing an Agricultural Report of Canada, and the enclosed half newspaper will shew you some steps that I am taking. Now, if Sir Henry could find an opportunity of laying this before Lord Bathurst, and getting his goodwill to the undertaking, it might be of service, and certainly, if the work could be accomplished in an able manner, it would be greatly advantageous both for England and these provinces. Every body here has expressed approbation; but the difficulty is to get the public to move in it, for in all things, speaking is easier than acting.

Should I get matters wound up at home, I am fully resolved to bring my family out here, and in that case it would be very desirable could I obtain a contract from Government for settling this country with British subjects. I think, if Lord Bathurst could be made sensible of the advantages to the public of proceeding in such matters by contract, rather than by the ordinary modes, he would be favourably inclined. A Colonel Talbot has obtained a contract* in this way, and his settlement is proceeding

* When the above was written, I laboured under a mistake as to Colonel Talbot's settlement. He had no *contract*; but a permission from Government to locate settlers upon Government-land in the neighbourhood of a large tract which had been granted to himself. The settlement round this raised the value of his property.

been imprisoned, maddened, and banished: I had not then beheld a poor woman, driven to distraction with

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much better than those under the civil and military governors, and comparatively at much less expense; indeed, the military plan of settlement, while it has cost Government a vast sum of money, is failing of its object more and more every day, and is the cause of many British subjects proceeding to the United States.

I hope my old friend, Henry, is growing strong in mind and body, and that all his brothers and sisters are making fast after him. It is a sad mischance to be removed, as I am, from the dear little ones; however, Jean has relieved my anxiety much by her letters, in which department, I believe, I am greatly Sir H.'s debtor. I have often, by-the-bye, heard of his going somewhere abroad as Governor. I wish to God his destination was Canada. The province has never been blessed with an energetic head since Governor Simcoe's time, and the scope for improved management is boundless. I trouble you with enclosing a note, which I should be glad if Sir H. would forward, under cover, together with the half newspaper, to shew her what I am about. She could return it if Sir H. thought well of producing it to my Lord Bathurst.

With kind and respectful compliments,
I am, &c. &c.
R. GOURLAY.

Queenston, Upper Canada, Feb. 7th, 1818.

MY DEAR SIR,

I wrote a letter about three months ago from York, the capital of this province, and addressed it to Lady T——, as I wished it only to occupy your attention when at leisure. It was accompanied with a printed address of mine to the

ill-usage, a Queen of England persecuted to death, and the remorseless spirit of tyranny slaughtering

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resident land-owners of Upper Canada, and lest it should have been miscarried I now again enclose a copy.

This address succeeded beyond all expectation. The magistrates of several districts publicly recommended it to notice. Meetings were held in many places on the subject, and replies have been sent to my queries from upwards of sixty townships, which are divisions of the country, averaging nine or ten miles square. Before writing the address, I had learned that some very impolitic measures had been pursued here, and that the mode of conducting business in the land-granting department was much complained of. My experience since has convinced me not only of the truth but flagrancy of these things; and I think it my duty to request you to hand this letter to Lord Bathurst, and, if possible, in person, for I understand he is kept ignorant of much of what goes on here. Indeed I mean to urge the provincial Parliament to send home a commission in order to lay before Ministers the state of the province, and unless they have spirit to do so, I very much doubt if Upper Canada will long be in possession of the British crown. You know that I am free in the expression of my opinions—probably more so than you think right, but I believe you never doubted my honour, or good intentions, and I never pledged them more solemnly than now.

The Canadas have hitherto only been a bill of expense to Britain. Managed on a liberal footing, I am persuaded they might not only pay all expenses incurred, but yield to Government a considerable revenue.

Since I last wrote I have travelled upwards of a thousand miles through the province. Every where I found

the people, who only desired to do honour to a departed spirit. I had not then sufficiently weigh-

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the people well disposed to Government; but quite disappointed and dispirited with occurrences which might have been prevented. They see the property of their neighbours in the United States advancing in value, while their's is on the decline. They see every thing in motion there, while all here is at a stand. They see the claims of Americans, who suffered by the war, attended to, and on the eve of being paid, while their's are almost despaired of. From where I now write, I overlook the ruins of the house* of the late Hon. Robert Hamilton, my wife's uncle. This house was the best in the province; and for many years afforded the most liberal welcome to every gentleman who visited the country. It was entailed on his son, with provision to continue in it the hospitality of its founder; but in the war it was seized by the military, for barracks, and in their possession was burned down. It is now the fourth year without a farthing being paid in recompence for the loss †.

I asked you, in my former letter, to propose for me a contract for settling some part of the province. I am now more and more convinced that the objects of Government would be better accomplished in this way than by the present modes of proceeding; and were it approved of, I should of all things like the employment. Under the present system hundreds of people get soured, and go off to the United States. Should you have any thing to communicate on the subject, may I request

* This is the house spoken of by Rochefoucault, p. 127.

† My last letter from Canada, dated in May, 1821, gives me to understand that Mr. H. has yet received no compensation. It is most shameful; but more of this by and by.

ed the scripture text that " the heart of man is deceitful above all things, and desperately wicked."

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of you to write Mrs. Gourlay, as my motions are uncertain. In the meantime, if Lady Torrens would drop her two lines, saying that I am well at this date, I should be glad of it. I saw Major Loring a few days ago. He is well, and speaks of sailing for England next month.

With my best wishes to the family,
I am, with respect and esteem,
Your's, &c.
ROBERT GOURLAY.

Sir Henry Torrens.

Queenston, Upper Canada, 24th March, 1818.

DEAR LADY TORRENS,

I wrote Sir Henry about a month ago, and have since been writing to the public here, through the newspapers, on the state of this province. I had copies of these publications thrown off on fine paper to forward to him and other friends, but they have swollen to such a size that I am now arranging the whole in a pamphlet, of which I shall send a copy home as soon as completed. The fate of the province, I think, is at issue. A parcel of weak and needy men form the Executive Council here; and by dispensing the crown lands more in the way of personal favours from themselves, than on any principle of justice to applicants, or true policy for the public good, they draw into subserviency a host of mean people, and thus supported, do many things altogether subversive of good, and ruinous to the colony.

Under such management and influences Upper Canada has hitherto been a heavy burden to Britain, while it might

But should we then despair and give up every effort? Should we cease to contend against vice?

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have been the reverse. It might yield a handsome revenue; and to call attention to this fact, I have stated to the public, that the public lands, well managed, could afford to maintain two regiments; repair, and keep in repair, all the forts, and, after ten years, yield Government an annual rent of one hundred thousand pounds.

A sad error was committed after the war, by the Governor, who counteracted a statute for admitting people from the States of America to settle here. A vast crowd of the best people of that country, tired of its Government, had resolved to come here immediately after the war; but orders went out against them, and the democrats laughed in their sleeve at such policy, which has maintained their credit when it was nearly at the ground. The loss sustained by Canada has been immense; but the mere loss of wealthy or new settlers is not all. A full half of the people are American born. They are naturally indignant at this conduct, and with other foolish doings the public mind has been much irritated, and confidence in property shaken. To correct all this, a liberal system ought immediately to be declared, and an enlarged intercourse established between the Canadas and Britain.

Instead of this, we hear through the English newspapers, that the provinces are to be given up or sold to America, and that Ministers are not to countenance the scheme proposed by me in the printed Address which I sent you home the beginning of November last. It appears like madness, and worse than that would it be in accomplishment; it would be wickedness of the basest kind. The people here sacrificed every thing in the late war to preserve the present Government. They are decidedly hos-

Should we relinquish every hope of effecting good? Should we 'curse God and die?' Far from it. To the very last we should persevere; but, persevering, be sure of this, that our object is

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tile to America; and would abhor to be put under Yankee control.

I have proposed to the people here to send home a commission to enter into explanation with Ministers, and have sent home a petition to the House of Commons to gain attention to the subject there. If Sir Henry can find a favourable opportunity I wish to God he would speak to some of his great friends, the Duke of York, or Lord Bathurst, on the subject. If he has any trust to put in my judgment he may depend that this is no trifling affair, and he may believe that I could substantiate what I have affirmed. Nobody ever before took so much pains to gain information of the real state of this country, and no one ever had such opportunities.

I have addressed myself to you, merely that Sir Henry might not be troubled with the perusal of my letter while engaged with his proper business at the Horse Guards. I would wish him to weigh what I have said in private; and he is welcome to shew this to any person.

The subject is of vast importance, not only to Britain, as it may concern the national power, but to the cause of civilization and humanity; for I am convinced, a scheme for the relief of the English poor could be put in connexion with it.

My sincere good wishes to all round the fire-side at Fulham. Most truly your's, &c.

ROBERT GOURLAY.

Lady Torrens.

worthy, our means peaceable, and our motives pure.

I have now to record my most remarkable experience, with regard to the *shutting out of Americans*. On returning from my Western Tour, it was my design immediately to set off on my way to England, when a most trivial circumstance contributed to delay my departure. The magistrates of Niagara had been the first publicly to patronise my proposals of publishing a Statistical Account of Upper Canada, and some of them, with other inhabitants of that township, had met and drawn out for me a Report. This Report of Niagara Township, was lodged with William Dickson, who was to finish it by replying to the 31st query, and attaching his signature. My brother was employed writing out duplicates of all the communications sent me, and which I intended to leave behind at Queenston, lest accident should befal the originals, on my way to England. I asked Mr. Dickson for the Niagara Report; but he put me off, and for some reason which I then could not fathom, deferred finishing it. I asked it again and again, but in vain. This trivial matter, actually first disconcerted my arrangements; and, I have often called it to mind, in considering by what slight accidents the whole of one's fate may be changed. I have often reflected upon the fact, that the very man, who ultimately drove me from Upper Canada, had first contributed to my stay. He it was, indeed, who first drew me into political discussions, and worked me up to the

strong feeling which induced me to call for inquiry into the state of the province. The train of circumstances which led on to this shall be recounted. On my return to Queenston from my tour, the first week of Jan. 1818, sleighing had commenced, and during the sleighing time, it had been usual for settlers from the United States to come into the province. I have said, that in the winter, 1816—17, a few had come in by permission, and while there were magistrates still on the commission for administering the oath of allegiance, who would not yield passive submission to the orders of the Governor. Now, not a creature appeared; the stream of settlement was entirely dried up. This made the question, as to *shutting out Americans*, become every day to be more and more talked of. Legislative Councillor Clark, who signs the Report of Nichol Township, and Legislative Councillor Dickson, my particular friends, were of all others most violent on this subject. They were great land speculators, and Dickson, especially, had recently launched forth in a purchase of 94,000 acres of Indian land (the township of Dumfries), which being free of crown and clergy reserves, was greatly preferable to other parts of the province for settlement. He had made the purchase for less than a dollar per acre, and had every reason to suppose he might retail it out for three, four, or five dollars. His settlement had just begun, winter 1816—17, when Governor Gore's "special authority" had taken effect, and Dickson was one of those Commissioners who had been thrown out

by the nomination of 16th April, because of disobeying orders. Though deprived of his power of giving legal admission to settlers, he continued to advertise his land for sale in the American newspapers up to the winter of 1817—18, trusting that he might still obtain purchasers; but he was completely disappointed. Not a single settler would move into the province from the States, and the settlement of Dumfries was wholly at a stand. I could not help sympathizing in Dickson's calamity. He was then my friend: by marriage I was related to him; and his case was cruel in the extreme. Hearing him constantly exclaiming against Governor Gore's administration, I entered keenly into political discussions, and began to make more minute inquiries into the policy which had subsisted in the province. My convictions on the subject became strong, and I was at last convinced in my own mind that nothing but open and full inquiry, with a complete change of system in the government, could ensure any thing like permanent good; and with such impressions, I felt that I could not go home and invite settlers to Canada till I saw a fair prospect of necessary change. Parliament was summoned to meet on the fifth of February, and as I had pre-determined to take my route home by York and Kingston, I now resolved to wait, and by petition, bring seriously into consideration the question of inquiry, which had been hinted at during last session. The firm support of my two friends, Clark and Dickson, I had no reason to doubt, and nothing appeared wanting but a com-

plete *rousing up* of the public mind to a just sense of mal-administration, and a clear view of the fact, that without inquiry and reform the province could not long remain an integral part of the British empire. Mr. Clark's question to me, whether the conduct of the provincial government would not "justify rebellion" has been already incidentally noticed. He further assured me, that Upper Canada would not remain a British province for five years, managed as it was; but Dickson was still more loud in complaint, and getting tipsy at a mess of the 70th regiment, let out the secret by declaring, that he would rather live under the American than British Government. Under all circumstances, it was hit or miss with me. My plans could only be successful under British government, and for that I became zealous, and even enthusiastic. I had a scheme for establishing a land agency in union with a newspaper, both of which were dependent on British connection, and I indulged a hope of rendering Upper Canada the grand receptacle for the redundant population of England. This last idea brightened in my imagination more and more, while nothing appeared wanting to its fulfilment but a right knowledge of the state of the province, which might gain for it the attention of the British public. Mr. Clark furnished me with a copy of the statute 30th Geo. 3d, and Dickson pointed out what was most worthy of notice in that of the 13th George 2d, having made discovery of this in Anderson's Commerce. To attract notice to the subject which I

determined to handle, I sent the 30th Geo. 3, to be published in the Spectator newspaper, with the following introduction.

TO THE EDITOR OF THE SPECTATOR.

SIR,

As I believe the British act of parliament, 30th Geo. III. chap. 27, has never been published in this province, I herewith send you a copy, and trust you will find room for its insertion in your next newspaper, as matter of *utmost importance* to be considered by the inhabitants of Upper Canada at the present moment. Had I seen this act prior to writing the letter which appeared in your paper of 20th November last, I might have corrected my first opinion of the resolutions brought forward towards the end of last session of parliament. Instead of characterizing them as "able resolutions," I might have said that in some cases doubting was weakness, and ignorance a fault. Of the spirit of the act I was well informed; but conceived that some ambiguity had arisen from its wording, which called for the language of courtesy to an over-officious Executive.

I am, &c.

ROBERT GOURLAY.

Queenston, 26 Jan. 1818.

A few days after this was published, I wrote the following Address.

TO THE RESIDENT LAND OWNERS OF UPPER CANADA.

Queenston, February, 1818.

GENTLEMEN,

I did myself the honour of addressing you through the medium of the Upper Canada Gazette, of the 30th October last, and my Address has been since widely circulated over

the province by various other channels. Its object was to gain the most authentic intelligence concerning this country, for the information of our fellow-subjects and government at home. The object was important: the means employed were simple and fair: the effect to be produced was palpable.

"To lull the spirit of party, and quiet every breath which might stir against a measure so chaste and efficient, I forebore all allusions to political concerns. Conscious of being moved by the purest intentions, and desiring alike the welfare of this province and its parent state, I dispatched a copy of my Address, as soon as published, to be presented to Lord Bathurst, and trusted, that by calm and dispassionate statement at home, the supreme Government would be best persuaded to amend the errors of original institution. In these, I conceive, lay the chief obstacles to the prosperity of the province: in Canada I thought there was but one interest: in simplicity I said, "Here we are free of influences."

Since then, three months have passed away. In this time I have travelled more than a thousand miles over the province: I have conversed with hundreds of the most respectable people: I have gravely and deliberately considered what I have heard and seen: I have changed my mind; and most unwillingly, must change my course of proceeding. This country, I am convinced, cannot be saved from ruin by temporizing measures, nor by the efforts and reasoning of any individual. If it is to be saved, reason and fact must speedily be urged before the throne of our Sovereign, by the united voice of a loyal and determined people: if it is to be saved, your Parliament now assembled must be held up to its duty by the strength and spirit of its constituents: a new leaf must be turned over in public conduct; and the people of Upper Canada must assume a character, without which all Parliaments naturally dwindle

into contempt, and become the mere tools, if not the sport, of executive power.

It is but recently that I searched the public journals, and otherwise made inquiry as to what was going on before my arrival in the province. Your public men, I find, were most lovingly attached to your late governor. He was praised for his "mild administration," when he had done nothing; and in the midst of mischief he was fondled, he was fattened. While yet he must have been laughing in his sleeve at the subservience of the last Parliament, he found the present one willing to stifle the remembrance of subserviency; and while it should have been moving impeachment against himself, wrangling about the expulsion of one of its own members for having inadvertently published the truth. Sure of his friends, in favour and in office, he could even dash off his last card with eclat; and, dismissing Parliament, in a style unheard of since the days of Cromwell, he could carry home as much flattery as secured to himself a snug retirement in Downing-street.

Though I thus speak, let it not be thought that I have any personal pique to gratify. I never saw your Governor: I never conversed with any one of your parliamentary disputants: I have drawn my picture, not from a partial but full view of the subject: I wish not to flatter, and certainly I do not fear. Of all things, let it not be imagined that I would stir up any one to anger, or to contempt of constituted authorities. It is my opinion, that in all countries the goodness of government keeps pace with the virtuous spirit of the people; and in no country has this spirit less to contend with than here.—Since matters have been allowed to go so far wrong, I would have the people of Canada take home to themselves every particle of blame for the past, and remember what has happened, only as a guard for the future. Wherever I have inquired, Governor Gore's private character has been spoken of with respect; and so it is with many private characters at York;

but is it not also true that the conduct of public affairs has become a standing jest? Nay, if allowed, I will prove the fact before the bar of your parliament, that good faith has been trifled with, and that the rights of property have been violated, by the very functionaries appointed to render them sacred and secure.

In my humble opinion, Gentlemen, there ought to be an immediate parliamentary inquiry into the state of this province, and a commission appointed to proceed to England with the result of such inquiry. This measure should not be left to the mere motion of Parliament: it should be pressed by petitions from every quarter,—from individuals and public bodies; it should appear, if possible, to be the unanimous desire of the whole population. This would give confidence to Parliament to proceed without bias, hesitation, or dread:—it would ensure success to the cause.

Before we heard of Governor Gore's favourable reception at home, there was sufficient call for the declaration of public opinion and for some energetic move through the whole province, to rescue it from thraldom and infatuation. This intelligence, only now received, leaves not a doubt as to the necessity of the case. It shows that the gross manner in which the Canadian Parliament was dismissed, had been misrepresented in England; and that ministers labour under the most fatal mistakes as to the laws and policy which have made and sustained this country.

Gentlemen, the British Act of Parliament for encouraging the settlement of the colonies was made over to you with your constitution; and *your* Parliament alone, in conjunction with the British Sovereign, had a right to alter it. This Act was framed in wisdom, and under its auspices the desert wilds of Canada began to unfold their treasures for the use of civilized man. If theoretical opinions could have been entertained as to the policy and soundness of this Act before the late war, that trying

crisis should have dismissed them for ever. Is it not a fact that three-fourths of the population here emigrated from the United States since the revolution? Is it not a fact that one half of these people came invited by proclamation, and with this ACT fresh issued from the British Parliament as their security? Is it not a fact that many of these men stood foremost in battle defending British rights? Is it not a fact, recorded even in the speech of your late Governor, that this province owed its safety, during the first year of invasion, entirely to the loyalty of its own militia*? How, in the name of God, could all this have happened, had the law been impolitic,—had people from the United States been unworthy of its adoption?—That there were unprincipled villains in Canada was indeed proved by the war; but who were they, and from whence did they come? Has it been shewn that the majority were Americans?—Is it not true that the basest of all were Europeans born?

The swaggering declaration of a war minister, founded on the dogmas of antiquated lawyers, has said that we cannot change our allegiance; but this great question, for the comfort of individual right, was long ago set at rest by British Acts of Parliament, in the face of which declarations and dogmas are but empty sounds. The good sense of our ancestors established this principle, and in

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* Governor Gore's speech to the Provincial Parliament, met in February, 1816, contains these words: "The gallant defence of "this colony by its own militia, supported during the early part of "the war by a very small portion of his Majesty's regular forces, "has acquired to it a high distinction for loyalty and bravery. "The obstinate contention with succeeding armies of invaders, and "their ultimate discomfiture, has not failed to attract the notice of "the world; and gives to this province an importance in public "opinion, which it becomes us to maintain."

language the most perspicuous, declared its object and its end: witness the following extract from the 13th of George the Second, chapter 7th, a statute "*for naturalizing such foreign Protestants and others as are settled, and shall settle in any of his Majesty's colonies in America.*" The words of this statute run thus: "Whereas "the increase of people is the means of advancing the "wealth and strength of any nation and country; and "whereas many foreigners and strangers, from the lenity "of our Government, the purity of our religion, the be-"nefit of our laws, the advantages of our trade, and the "security of our property, might be induced to come and "settle in some of his Majesty's colonies in America, if "they were made partakers of the advantages and pri-"vileges which the natural-born subjects of this realm do "enjoy;" *therefore* it was enacted, "that from and after "the first of June, 1740, all persons born out of the le-"giance of his Majesty, who shall have resided, or who "shall hereafter reside, for the space of seven years or "more, in any of the colonies in America, and shall not "have been absent from thence above two months at any "one time, and shall take the usual oaths of fidelity, or if "Quakers, shall subscribe the declaration of fidelity, or if "Jews, with the omission of some Christian expressions; "and shall also subscribe the profession of their Christian "belief (Jews excepted), as directed by a statute of Wil-"liam and Mary, &c. &c., shall be a sufficient proof of his "or her being thereby become a natural-born subject of "Great Britain to all intents and purposes."

Gentlemen, when I read this law, my blood warms within me, with the feeling that I am of that nation which promulgated it,—that nation which did not even allow such a monstrous supposition to appear in its civil code, as that men could not change their allegiance,—that nation whose Parliament could boast of inducing foreigners to give up their native allegiance, and accept of our's, from *the lenity*

of our Government, the purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property. These, Gentlemen, were glorious boasts, such as none but the British nation could maintain: these were liberal and worthy rewards, to draw people to our colonies, and thereby *to increase the wealth and strength of our country.* Such modes of seduction—such boasts and rewards, are not only innocent but useful in the most exalted sense. They tempt individuals to fly from beneath the rod of oppression, and thereby diminish the power of despots: they excite nations to emulate each other in virtue and peace. Compared to these, what are the boasts of war—what the rewards of conquest? They do not seduce but force men from their allegiance: they instigate and keep alive every furious passion: they weaken and impoverish, not our country only, but our kind.

The grand purpose of government is the protection of our persons and property; in return for which we owe it our allegiance, even unsworn. When we remove, in a becoming manner, from beneath this protection, our allegiance is reasonably and fairly at an end. Before I myself sailed for Canada, I was importuned by friends to emigrate along with them to the United States. We never thought of its being crime to pass from beneath the protection of the British to that of the American government; and my chief reason for preferring to come to Canada was that I had here a wider circle of connexions. I knew that my person and property would be protected any where in America; and as to the form of government, I gave it no thought, perfectly agreeing with the poet, who says—

> " For *forms* of government let fools contest,
> " Whate'er is best administer'd, is best."

Wherever I abide I shall bear true allegiance to Govern-

ment: to whatever country I belong, I shall endeavour, by every honest means, to advance its prosperity: where my treasure is, there also shall be my heart.

Although British statutes, and the practice upon them, have for generations recognised and guaranteed the right of individuals to change their allegiance from one government to another, they have not yet sufficiently defined the terms under which the change may be effected. Tacitly, however, all good men admit that this change is not to be trifled with; and a valuable moral lesson was given on this head, in the treatment of those people who deserted from the province during the war. It was determined, and most properly, that persons deserting their property, in such circumstances, should lose it; and, further, that if they aided or assisted the enemy, they should be hanged. This lesson was valuable to the province in the event of other wars. After such a lesson, weak or wicked men would think more seriously of desertion; and the free admission of foreigners was rendered much more safe. Canada had indeed, in many respects, gained by the war. Before that event, every one must have doubted her ability to hold out against hostile attack. The issue gave confidence on this important point; and it is notorious that many of the most upright citizens of America were on the wing to settle here, as soon as peace was declared. They had found that even pure democracy was not immaculate: they had been oppressed with taxation, to sustain the ambition of conquest: they had seen this unrighteous ambition foiled in all its movements, as if by the hand of an offended Deity: they had seen liberty giving birth to a thousand angry passions, and sending forth, under her mask, the demon of licentiousness: they had been terrified with the mobs of Buffalo and Baltimore*. When all

* At Buffalo, in New York State, a publican happened, in the

this was fresh in recollection;—when such people had become not only willing but anxious to be *made partakers of*

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heat of party dispute, about the invasion of Canada, to declare a wish that evil might befal those who joined in the invasion. For this expression, a democratic party assembled, and attacked his house, destroyed the furniture, &c. with savage fury. The Baltimore mob was more heard of in this country, and was still more disgraceful to America. In that country, which has boasted so much of the liberty of the press and the free expression of opinion, which has derived such mighty benefits from it, a printer's office was attacked and destroyed, because his federal sentiments could not be borne, forsooth, by the ill-regulated passions of a democratic mob. Fie! fie upon it! these American mobs, and the ratified murder of Ambristier, have almost made me ashamed of the connexion, who am a born democrat. Let not this last word be misunderstood. I do not use it in its "bad sense," as Charles Fox would have said. I have thrown it in for particular and general reasons. The former may afterwards be explained; the latter shall now be sufficiently dwelt upon. First then, I use it to express the sober and innocent truth, that I am *most* friendly to the democratic branch of our constitution, that I was born one of the people, and shall always think *their* rights more deserving of *my* care than the rights of kings or peers. By calling myself a democrat, it must not be inferred that I do not love kings or peers, any more, than, calling myself a man, it should be inferred that I do not love the women, which God forbid. I shall never quarrel with the king, "who can do no wrong." I shall never quarrel with peers, while they do their duty; and, if necessary, shall risk my life in defence of the constitution as established at the Revolution of 1688. I am not a republican, for I dislike the name. I dislike it, because the Romans bore it under Cæsar, the French under Bonaparte, and the Americans, when they registered approval of the murder of Ambristier.

the advantages and privileges which the natural-born subjects of this realm do enjoy, then, forsooth, was the time for your executive to quash the liberal spirit of existing law, to erect an odious barrier between kindred nations, and bring contempt and dishonour on the British name.

Gentlemen, I should not dwell so long on this revolting subject did it concern only the business of the present day, —did it concern only the value of your property, which would have been double at this moment, but for the narrow policy which has been pursued,—did it concern only the dignity of your Parliament, which was turned adrift merely because it ventured to open the statute-book, and resolve between right and wrong. The present time is on the wing: you and your property will soon be parted; and it may be said that a parliament, which permitted the laws to be set at nought for two long years, could suffer little diminution in dignity. The subject before us demands attention, for reasons infinitely more important than these. It demands attention for the sake of principles which govern and direct all things for good, now and for ever;—principles which have long been the pride and support of the British constitution,—which have nursed up all that is yet valuable in civilized life.

Our constitution, which has been refining for ages, and the spirit of which is purity, has been often lauded, for its effects are irresistibly impressive, but it has been seldom understood. It is that beautiful contrivance by which the people, when perfectly virtuous, shall become all-powerful; but which reins back their freedom in proportion to their vice and imbecility.

The British constitution sets the law above all men; and that the law may be reverenced and implicitly obeyed it has anointed a king to be its grand Executor. That we may look to this personage with unceasing faith and respect, he is clothed in fiction, and it is acknowledged by

the law itself that he can do no wrong. In courtesy and fiction every thing belongs to him: in fact, little or nothing; and, though he can do no wrong, his ministers, through whom every act must proceed, are open to our censure, and amenable to justice. Nay, in proportion to the intensity of sentiment which directs our love and regard for the King, should be our watchfulness over those delegated by him to discharge the sacred trust of the laws, and preserve them inviolate.

At home, this watchfulness has ever given employment to the most able and virtuous of our statesmen, and but for their unceasing efforts the ambition of those in authority, would convert their sacred trust to purposes of selfishness; they would set aside the laws to gratify their own whims and caprice. Here we have had an example: we have been unwatchful, and experience the consequences. Blame not therefore the constitution, neither withdraw from honouring the King; but brace yourselves up to the performance of your individual public duties, and all may yet go well. After what has happened, it is not for the people of Canada to be vindictive: it is not for them, who have been culpably negligent, or pusillanimous, to be inveterate accusers. They should drop impeachment against their late Governor; but while they seek not blood as an atonement for the mischief he has done, they may yet very properly extort his tears.

In thus addressing you, gentlemen, I can have no little selfish object in view—no passion to gratify, but that of seeing the land you inherit prosperous and happy. From the day that I first set foot on Upper Canada, now seven months ago, my mind has been devoted to the contemplation of its resources, and the benefits which might accrue to the whole British nation, were these called forth by a liberal system of management. The more I have known, the higher have I estimated these, both in a moral and political light: but the more I become acquainted with the

conduct of public affairs, the more am I afraid that all will be thrown away, unless an immediate and determined stand is made against little policy and reigning abuse.

I have not descended to the exposure of peccadilloes which you all know to be innumerable and base in the extreme. I have struck at great leading principles, and the conduct of your leading man. The mischief he has done is irretrievable; but if his acts receive a due mark of reprobation from the mass of the people of the province, it will greatly re-establish confidence: it will make future governors more circumspect; and shake "the insolence of office" to its lowest grade.

In all past times provinces have been the sport of arbitrary power. Want of public spirit in the people, and a desire to tyrannize, which is greatest in little men, have jointly contributed to this effect. It is an evil, however, by no means unconquerable, and it will be worthy of a British colony to be the first in surmounting it.

This province, indeed, can no longer be trifled with: it must prosper or fall. You resisted invasion for three years: you staked your lives: you sunk your fortunes: you exposed your wives and children to every privation; and for good cause you did so. You are here as free, if you will, as any people upon earth: you have the power of taxation in your own hands, while Britain, the most generous of nations, bears many of your burdens, and has shed her best blood in your defence. After all this, are you to look back upon the struggle of war as mere foolishness? Having repelled an enemy with the sword, are you to suffer a more deadly foe to waste and destroy you? Are you to pine in ignominious sloth, and desert a cause which now only wants reason to maintain it? Gentlemen, the prosperity of this province needs nothing more than your peaceable exertions to procure respect for the laws, and to introduce a new system of management.

I have been told, that were Canada united to the States,

your property would rise to twice its present value, and it is true; but it is also true, that if a liberal connexion with Britain was established, and a system of business introduced into public offices here, instead of a system of paltry patronage and ruinous favouritism, the same property would rise to ten times its present worth.

The day after writing the above, I chanced to breakfast with a magistrate, a native of Connecticut; and while the beef steaks* were getting ready, I handed to him my manuscript for perusal. He had not read far, when he began to tremble, being a nervous man. "What is the matter?" said I. "This will not do," said the magistrate. "What is the matter?" I repeated. "This must not be published," said he; "I must take notice of this: it is my duty to take notice of it." "Surely," said I, "you will not take notice of it till printed; you will not consider it a publication till then." I could not appease the native Connecticut, heir direct of the blue-laws†. He said he was bound by an act of parliament to arrest my purpose

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* Beef steaks are regularly served up as part of a Canadian breakfast. In the substantialities of this meal Canada rivals Caledonia.

† Connecticut was first settled by the Puritans who left England to escape persecution; and it is a curious fact, that these very people became, soon after, the most vexatious of all persecutors. Their code, called "*The Blue-Laws*", has become proverbial from its oppressive spirit. No sect had toleration but their own.

of publishing the paper he had read; and getting his waggon to the door, moved off to hold consultation with his neighbour Councillor Clark. I mounted my horse, and proceeding to Niagara, gave in the three first paragraphs to the editor for insertion in his newspaper, bidding him announce the continuation for the following week. This I did that magistracy might have time to cool and consider. From the printing-office I proceeded to Councillor Dickson's, and read my address to him. The Honourable Legislative Councillor, with land in the market, took a different view of the subject from his worship of Connecticut, who had a matter of consequence still resting with the good graces of Governor Gore in London. I had no sooner finished reading than Dickson called me into a private room, and warmly addressing me, said, "Mr. Gourlay, you must accept from me a Deed for five hundred acres of land."

My address had thrown him into ecstasy. Though he had bitterly inveighed against shutting out Americans; though he had scanned over the British statutes, which were framed for their admission, and abused Governor Gore for counteracting these, still he knew the overwhelming power of the Executive, and had reason to suspect that it might overtop the Legislative branch. A panic, or rather stupor, had very generally pervaded the country since the bold stroke of Governor Gore, in dismissing the Assembly. Both the people and their representatives were at a loss to think what would become of the question,

and the grandees of Little York were decidedly for shutting out Americans: nay, one of them gave me his opinion, that even British subjects, who had travelled in the States, should be shut out—such was the existing madness and dread.

Mr. Nichol, who appears in page 287 as the mover of the resolutions in Parliament, and who was an active, spirited, and so far as opportunities had served, really an intelligent and able member, had, immediately after Governor Gore's departure, in June 1817, packed up documents respecting the state of the province, claims of sufferers in war, land to militia men, &c., and followed him to England, there to submit matters to the Ministry.

Before sailing from Quebec, Nichol listened to a great man there, but no witch, who advised him to wait on Governor Gore in London, and smooth down asperities which had arisen from the abrupt dismissal of Parliament. Nichol did so: the ex-Governor refused to see him; and though he remained nearly a year in this country, carried not a single point for the public of Upper Canada *.

The news of Nichol's sorry reception at home reached Upper Canada some time before I wrote my second Address to the Resident Landowners,

* Mr. Nichol's history and parliamentary transactions being somewhat interesting, in connexion with Canadian politics, I have deemed it worth while to give room to part of these in Appendix, No. 2, which it may be well for the reader to peruse before going further.

It had lessened expectation as to the admission of American settlers, had increased the panic for the fate of the province, confirmed the presumption of Little York, and heightened the dread of power. It began to make me suspect that there was a wheel within a wheel; that ignorance at home would have aid from prejudice and pride; and that nothing but open inquiry could blow up delusion. It warmed my feelings towards the province, increased my desire to serve it, and heightened the tone of my language, when I fairly ventured to speak out.

Though Dickson could fume, and bluster, and even expose himself at Niagara in the agony of disappointed hopes, he had still a hazardous card to play at Little York. He had still interests to attend to, which roosted at home. He was a legislative councillor: had received this honour, of which no man could be more vain, through the good graces of Governor Gore: had been long a partisan of provincial administration; knew well its sinuous ways; and could form just estimates of its wrath and its favour. For the latter he had still much and immediate need in more ways than one. *One* I shall exhibit, as it will throw light on his conduct towards me,—his extraordinary conduct of first offering me reward, and then pursuing me with revenge,—first patronizing and then persecuting.

Just before my arrival in Upper Canada, he and Councillor Claus had laid their heads together for a shameful adventure. Claus was the head of

the Indian department at Niagara—a department which had long been notorious for the grossest delinquencies. Presents to the Indians, to great amount, were at the disposal of this department; and through means of these most commanding influences were acquired,—all-commanding, indeed, whether for love or for money;—whether to swindle the Indians out of their property, or to procure for lust the prostitution of their wives and daughters.

The Indians submit themselves and their affairs, in time of war, to War chiefs, who inherit such honour—in time of peace, to Council chiefs, who are elective. By means of the presents it was no difficult matter to sway the election of Council chiefs; and these, when chosen to the liking of Councillor Claus, could very easily be prevailed upon to obey his will. Constitutionally, the Council chiefs should be chosen at the *Council fire-place* in the *long house* of each Indian village. For political purposes, this constitutional practice of the Indians was changed; and elections were held elsewhere, that the temptation of presents and the power of liquor might be more commanding. In this way I was told by a most intelligent chief of the Grand River Indians, did the Honourable William Claus get a party of Council chiefs to make over to the Honourable William Dickson 6000 acres of their most valuable land: that tract which appears in the Niagara Canal Sketch, enclosing the naval establishment at the mouth of Grand River. This was not only va-

luable because of its being capital land, but being a situation likely to become the site of a town; and for what was it given? It was given in recompence for trouble which Dickson had taken (as a lawyer) in drawing out certain accounts for the Indians; but the lawyer's bill was so monstrously overpaid that the country talk was loud against the transaction; and Dickson's own brother made it subject of ridicule. It made little impression upon me, who had my eye chiefly engaged with surveying abuses of more public concern. The transfer of land from Indians to any one likely to settle it, was indeed no public grievance, but the contrary, by whatever means the business was settled. A combination of circumstances brought the transaction into a different light. While it was still notorious that strong complaints existed among the Grand River Indians against the unfair means which Claus had taken to procure for Dickson their valuable land; while Dickson could not but feel that his right to it was far from being valid or honourable, he applied to Sir John Sherbrooke, the Governor-in-chief, to make interest for him at court, and get the Prince Regent's consent to the issuing of a royal patent in his favour for the land, by which all that was unfair and complained of might be overawed and silenced. He told me of this manœuvre. It struck me as reprehensible in a high degree; but still, I was no common informer. In a few days after, when the whole government of the country was dissolved by the folly of its members: when Dickson himself had

been a chief actor in this folly: when the cause of inquiry, which he had at first seemed to patronize, could no longer have the aid of Parliament; and when I took the only and best remaining constitutional step for effecting this great, this necessary, and still essential, measure, for good;—then, forsooth, Councillor Dickson was in arms against the cause,—not openly, but meanly, using his friend Clark as a cat's paw, to stir up the fire of party spirit, to alarm with the cry of sedition, to repress the general ardour for inquiry, and put down the most valuable of public rights. Then my eyes were opened: then I saw into the whole system which had from the beginning biassed and regulated his conduct. He had been keen for the admission of Americans, and for that alone. That point carried, he was of all men most opposed to general inquiry, because of all men he dreaded it most, and for powerful reasons. It might expose his manœuvres with Claus: might deprive him of his Indian gift; and, perhaps, let out secrets still more fatal to his interest and his ambition. I received from him, as no secret, his application to the Governor-in-chief, nor would I, as a secret, have received it. But the man who will this day inspire confidence, stimulate, and push on to adventure; and the next day betray that confidence, impeach the motives, and blast the character of his friend!——what is he?

This was the conduct of Mr. William Dickson to me; and this laid open the whole arcana which governed him. This made exposure duty;

and, because of exposure, he became more hostile to inquiry, and, to me, who urged it, inveterate. —But, to return from digression.

For the time being, my Address had operated like a charm on Dickson. It had dispelled gathering mists, had brightened prospects, and revived expectation of getting settlers for Dumfries; and hence the generous ardour to reward me with land, which, with thanks for the offer, I declined to accept.

On my way from Dickson's, I was met by a young man riding express to me with a letter from Councillor Clark, entreating that I would not publish the Address of which his worship of Connecticut had sounded alarm; *because*, among other reasons, "though it might contain a good deal of truth, Dickson and he would be accounted the *fathers* of it." In this way I had no fear for my *child*; and after Councillor Dickson's good opinion of him was known to the other magistrates, he was allowed to go forth into the world with *patronage and favour*.

After publication, I called upon my friend of blue-law extraction, and asked him to produce the act of Parliament on which he meant to arrest my purpose of publishing; whereupon, he brought forth the Provincial Statute-book, and opened up to me the 44th Geo. III. chap. 1st. "That, Sir," said I, having examined it, "is applicable only to aliens: I am a Roman, and touch me if you dare. I am a Roman, and will appeal to Cæsar." The worthy magistrate then looked at the act,

and confessed frankly, that he had laboured under a mistake,—that the act *applied to aliens only;* but, so it turned out, that just twelve months afterwards, I was shut up in Niagara jail, denied my just right of relief by the remand of Chief Justice Powell, after having been, as wantonly as unconstitutionally, imprisoned by Councillor Dickson!

While these facts are still fresh in the reader's mind, let me beg of him to pause for a little, and reflect on the silly, capricious, and inconsistent conduct of these magistrates and legislative councillors of Upper Canada; and having reflected, let us recapitulate and go on to reflect.

First, I write down my *opinion* on the most important of all questions; and propose, in the purest spirit of peace and goodness, to have this *opinion* laid before the public. A magistrate, allowing certain little fears of his own to overpower every liberal sentiment, flies in my face, would brand me as seditious, and drive me out of a country where my right of stay was prior to his own. He would not only do this horrible injustice to me as an individual, which, by his after confession, he was not authorized to do, but he would interfere with the liberty of the press, and allow nobody to judge of my *opinions* but himself, threatening thereby flagrant injustice to the public. This, indeed, is a specimen of blue-law discipline. Next in order for reflection comes the conduct of the legislative councillors. Dickson approves of what the magistrate would call sedition; but with an eye to

nothing else than his own self-interest in the township of Dumfries. His approval, however, is quite sufficient at once to mitigate the raging zeal of the blue-law magistrate, and free a brother councillor of all bashfulness towards my "*child:*"!! which *child* of jeopardy, it may here be told, after being rescued, by selfishness, from dread and intolerance, was hailed with applause, even in Little York;—which *child* astounded the dignitaries, who were for *shutting out Americans*, and inspirited the Assembly to pass the *fourth* resolution. Free admission being obtained for Americans to settle in Dumfries, Councillor Dickson now gets alarmed for his lesser Indian estate, of which *inquiry* might deprive him, and he sets his face against this, which I first believed was his especial regard. To check *inquiry*, he conjures up the bugbear of sedition: gets me harassed and tried for libel: two failures in this way do not allay his fears; and he finally resorts to the shift first proposed by the blue-law magistrate! Is there not here sufficient room for reflection? Is there not in this brief recital alone sufficient reason for instituting inquiry into the state of Upper Canada?

Few have seen more of the world than myself, or studied human character so much, but I never met with such a jumble-brain as Wm. Dickson. I was totally unaware of his real character up to the very moment of his betraying me, and commencing persecution. Up to that moment I thought him liberal and kind, and worthy of confidence. He seemed hospitable and warm-hearted;

but how strange are the caprices of nature! The baboon, while it excites to laughter, will, the very same moment, dart forth its filthy claws to lacerate and inflict pain. Dickson, in conversation, could be either mild, courteous, and engaging; or loud, loose, and extravagant. Though deep, designing, and selfish, vanity was still his ruling passion, and this, inflated to the utmost by his recent appointment to the legislative council, carried him into the regions of greatness. He considered himself little less than a British peer, and vapoured about nobility being "the cheap defence of a nation!" While he was, in point of fortune, a mere man of straw, he has boasted to me of being the richest man in the province; and when expectation run high of getting settlers for Dumfries, would mount into the very clouds, swallow a bumper of wine, and exclaim, "Here goes an acre of land!!"

Nothing on earth would have made me believe Dickson a bad man, but the circumstance of making Clark his cat's-paw: getting one friend to scandalize another. This he did while he himself lurked behind the scene; and this assured me that there was nothing too mean, or treacherous, which he would not resort to for his own deliverance or gain in the world,—that he was thoroughly unprincipled; and I am this moment convinced that with all his apparent zeal against sedition, he would be among the first to surrender Upper Canada to the United States, could he ensure his own interest by so doing. When a prisoner in that country, during the war, it was reported that

he consoled himself, when Canada was likely to be conquered, by saying publicly that such an event would be of advantage to him, in doubling the value of his property; and his speech to the officers of the 70th regiment is undeniable.

I challenge every possible surmise that can be started in favour of such a man, first offering me a reward for an Address which excited petty suspicions in the minds of more than the native of Connecticut,—first pushing me on against provincial administration, and giving me the highest hopes of his support in the cause of inquiry, then suddenly turning round, when inquiry was seriously urged, after his prime object was attained, violently and virulently to oppose inquiry:—I challenge; I say, every surmise and supposition in the favour of such a man; for after all the mischief he has done to me and the cause of truth, I would be glad, if it could be proved that he is innocent. If not innocent, can there be supposed a villain more infamous?—Can there be supposed a character more dangerous to the government under which he lives?

Dickson came home to England in 1810, and staid with me in Wiltshire for a week. At that time I had every comfort in life, a good income, abundant provisions for my wife and children after my death, with prospects of a respectable inheritance, should I survive my father. No man indeed was apparently less likely to be driven abroad from misfortune than myself; yet it is a curious reflection to me that Dickson then, when

nothing would have prevailed on me to emigrate, actually pressed, me to join our friends in Canada. He spoke of its being so fine a country, and said that his spirits never failed to get brisk and elevated, as he got near to the falls of Niagara. Most unexpected, most dire, and, on my part, most unforeseen and most unavoidable calamity made it my serious, my saddest duty to seek an asylum for myself and family in Canada, even in the neighbourhood of the falls of Niagara, so elevating to the spirits! Good God! to think that the fiend who had first tempted me abroad, should no sooner see me delighted with the spot to which he had invited me,—no sooner see me enthusiastically engaged in the work of rendering that spot truly enviable,—a work to which he himself urged me, than he alarms the country with a cry of sedition, and at last gets a wretch to swear that I was seditious!—He thrusts me into prison, which I prefer to liberty and an aspersed character: I submitted to nearly eight months imprisonment, in the hope of trial for the alleged crime; but, by the rigour of tyranny, find myself at last cast forth into an alien land, fooled out of my anxious expectation, insulted, and imbecile—and all this because of the most unfounded suspicions, if not the fear, the envy, or revenge, of the Honourable Councillor William Dickson!

Setting aside all feeling—all consideration of circumstances, let any unprejudiced person of this country take up the Canadian sedition Act, and

after perusal, say, whether as a gentleman or Christian, he would feel himself warranted to apply that Act to a British subject, nay, even to an alien, in order to drive him out of the country, and asperse his character, without allowing him a chance of clearing it;—let him say this and determine as to the moral qualities of Councillor Dickson. We have laws in this country which it would be odious to execute; and laws *may* exist, which it might be allowable, even for a person under oath to execute laws in general, to withhold from executing. Had I been a Legislative Councillor of Upper Canada, and been called to apply the sedition Act against a British subject who had resided upwards of a year without suspicion of being tricked out of his rights and privileges, I would have flung up my commission, my *nominal* honour, my appointment to sit in the Legislative Council, and my allegiance itself, sooner than have given countenance to such an execrable law. But Councillor Dickson took advantage of that law, and the Legislative Council of Upper Canada has, this last session, 1821, refused to repeal it, after the mischief it has done, and the disgrace it has brought upon a British province!!.

In recording these facts, making these observations, and sketching this character, I am unconscious of having any invidious or malicious feeling towards the individual of whom I speak. Strong and delicate reasons would urge me to bury his very name in oblivion. I wish I could do it consistently with duty; but most rigid duty bids me

make exposures which may throw light on the wretched condition of a fine country, and a loyal people, whose prosperity and happiness is put in hazard by such a man as William Dickson; and it is not too much to say, that, situated as he is, with power to imprison any man on his first stepping on the soil of Upper Canada, he can affect it's fate. He is, out of sight, the most dangerous man in the province to British dominion, and seeing that the abominable Sedition Act, which I have set forth and descanted on, in my General Introduction, stands, till this day, unrepealed by opposition in the Legislative Council, there must appear reason sufficient to every rational being of this country, that, it is high time for the Imperial Parliament to interfere to annul the present constituting Act of Canada, and to promulgate something in its stead, which may put an end to the existence, and check, in future, the growth of monsters, either in the shape of men or laws. The provinces, I believe, do not, all over, contain such another selfish, capricious, and overbearing tyrant, as William Dickson; and certainly, the world has nothing to compare with the Upper Canadian Sedition Act, taking it merely as applicable to aliens.

Let this single Act, and this single man be considered. Let the Act be attentively read over, and judged of merely in the abstract: let us allow that there exists only one man who has will and power to put that Act in execution, and there must appear reason sufficient for the British Parliament to inquire into the state of Upper Canada; into that

barbarous state which has not only originated, but which continues this Act and countenances this man.

What, we may ask, is the moral condition of that country in which we find a Member of Parliament coming forward as a common informer, swearing point blank that another person is seditious, and a Legislative Councillor taking advantage of such palpable perjury? I am not entitled, in any ordinary case, to say, that a man has perjured himself. I say it of Isaac Swayze without scruple or fear. A more false and palpably malicious oath never was taken, and no rational jury would countenance Isaac Swayze in making complaint. Dickson is still worse than Swayze. I said so before, and I repeat it. Upon the manifest and self-evident proof of this, I have taken liberties in speaking of him which I would take with no ordinary person. His conduct has warranted the application of any sort of language which can force it upon notice. The triumph over me by the verdict of guilty, may prove a legal cover for Dickson's conduct: it is no cover morally considered. It adds to the reproach of the country, and entitles me to call still louder for inquiry into the cause of corruption—into the cause which has not only extinguished sense and discretion, but feeling. If there had been due feeling in the Canadian jury they would not have found me guilty. Every thing pleaded for me, my very imbecility in court, the joint effect of disgust and disease. Eleven months before my trial, I witnessed that of a poor

girl accused of child murder. I myself could have adduced evidence to have procured for her an acquittal; but the poor simple girl was shut up in a felon's cell: had no counsellor to consult as to her trial: was brought forth, arraigned, tried and condemned without a mouth being opened in her defence. I wrote out a petition to the Prince Regent in her favour, and this was sent home by the President of Upper Canada to be presented to his Royal Highness. The poor woman's respite was nearly expired before any answer returned from England, and the sheriff was about to prepare for the execution. I heard of this, and called public attention to the subject. Another respite was procured; and at last, such was the public feeling, that the poor girl was allowed opportunity to escape. Little did I think, when striving to save the life of this poor girl, that I should myself be seized upon, imprisoned, rendered as weak and defenceless as she, and at last be found *guilty* by a jury dead to feeling,—a jury who would have condemned to crucifixion the Saviour of the World, merely upon the oath of Isaac Swayze! "under the law;"—No! the law itself should give way when truth and nature are outraged.

Putting the reputation and welfare of Canada entirely out of the question; looking only to the interest of this country; looking only to the present need of retrenchment and economy, it is important to have inquiry into the state of Upper Canada. Sir I. Coffin lately declared, in the House of Commons, that it would have been bet-

ter had Canada been sunk in the sea than that it should cost this country £500,000 annually; and he was right; but the annual cost is not what alone should be regarded. Notwithstanding the most culpable neglect of ministers towards Canada since the peace, were any unhappy accident now to breed dispute and war between Great Britain and the United States, they would defend Canada from invasion merely for the sake of PRIDE, while the disgust of Canadians with the Sedition Act, and its executor, though no other cause of disgust existed, would, to a certainty, make them lukewarm in the cause. They would *not* support British government as they did formerly. They would rather be received into the arms of America than be eternally vexed and insulted with such a law and such a man. Were the people of Upper Canada even thus disposed, Ministers would expend millions of money, and sacrifice thousands of lives for PRIDE alone, without even a chance of success. In these needy times, surely it is duty to guard against such occurrences. Surely, if profit can be substituted in the room of waste, the matter is important.

It requires nothing but calm consideration, and a thorough knowledge of facts to ascertain what is wrong in Upper Canada: how, with soil and climate, which, taken together, surpass, perhaps, any in the world, that province is poor and its inhabitants ignorant, nay, some of them brutal;—how that province, with great advantages, from British connexion, and separated only by a stream of water from the United States of America, is behind in

every respect: in the practice of agriculture: in the progress of improvement: in the state of society, manners, arts, sciences;—in every thing. Surely, if a knowledge of facts, and calm consideration can effect change for the better: if a British province can be raised from a state of degradation; its soil be made productive, and its people be made liberal, active, and happy: if it can be not only advanced to equality with the United States in cultivation as well of the earth as of the human species, but be made to outstrip that country in these respects, surely the object is worthy of regard; surely, such an object is worthy of Parliamentary inquiry.

Men and all their affairs are ruled by circumstances; and, it is quite possible to see through every circumstance which degrades, impoverishes and ruins Upper Canada. The monstrous sedition law! How easy is it to trace its rise and progress through the detail of facts which I have presented to the reader. Government is guilty of injustice; and hence breeds discontent: government becomes jealous and afraid of consequences: government frames a sedition law: the sedition law bestows on magistrates arbitrary power: magistrates abuse this: magistrates excite disgust: disgust begets contempt: passion is inflamed; and passion on all sides assumes the place of reason. In the absence of reason the sedition law is worked up into a monster, and a curse.—The monstrous conduct of William Dickson and others! How easily can we see through all of it. Dickson speculates, hav-

ing faith in the stability of Government; but Government deceives and disappoints him. He is on the brink of ruin. One great object engages his whole attention and care; the settlement of Dumfries. By writing an Address I brighten his prospects: his eye, bent on Dumfries, sees nothing in my Address but good; and in *joy*, he would reward me. The eye of Connecticut sees that Governor Gore in London will be displeased with my Address. Connecticut has interests at stake in London, dependent on Governor Gore; and, in *fear* he would arrest and punish me. Then again, Councillor Clark, who questioned whether the abuse of power would not "justify rebellion," and who was of opinion, that labouring under this abuse, "Canada would not be a British province for five years," has also some private cares,—some hidden dislike to thorough exposure: he is, thence, naturally susceptible of alarm, he is jealous even of the *child* unborn,—is afraid that the well-marked offspring of another may be laid at his door!—— How is it that none of this absurdity, inconsistency, and madness is to be witnessed in the United States, with only Niagara river parting it from Canada? Why, because the Government of the United States of America never was faithless to poor settlers: because that Government never counteracted its own laws, and disappointed great speculators, so as to drive them mad: because governors of the United States had no land to dispose of, nor favours to bestow for propping up corruption: because the Government of the United States,

strong in its own rectitude, has cast aside all sedition laws: and inspired the fullest confidence in the security of property: because that Government is every day improving, and Connecticut itself has become ashamed of its blue-laws. At this moment what good has been done by Councillor Dickson's unrighteous zeal in applying the sedition law to me? Has Canada got rich by it; or is he, even now, "the richest man in the province?" Has he, by his conduct, proved that "Nobility is the cheap defence of a nation;" or what are we to think of it? —This I can assure Mr. William Dickson, that banished out of Upper Canada by his most unrighteous zeal, I have never for a moment lost sight of rescuing that abused country from the grasp of him and his infernal instruments:—that were I sunk into the very abyss of misery as to worldly affairs, I would not change situations with my betrayer and persecutor. No: were it to raise me out of such abyss, and make me in an instant "the richest man in Upper Canada," I would not change situations with him who would have recourse to the Canadian Sedition Act, to gratify revenge and put down inquiry.

Let us now leave Mr. William Dickson and the Sedition Act; and bestow more particular attention on the conduct of the other magistrates, who figure before us. These I acquit of all malevolence towards me; and though in duty I shall be perfectly free in exposure, I could wish them to be assured that any thing but personal dislike urges me to expose. Mr. Thomas Clark and

Mr. Samuel Street, for that is the name of my Connecticut friend, (and I use the word, as I wish it to be understood, in sincerity) were partners in one of the largest mercantile and *milling** concerns in Upper Canada. They were proprietors of what have been called "Birche's Mills," now "Street's Mills," and had a right to the whole water power of the rapids of Niagara. They were adepts in business; and both the one and the other very superior, in point of common sense, to Councillor Dickson, who had, however, a most unaccountable influence over them. A better hearted man than Clark I never knew. During the years 1812 and 1813 he over-exerted himself in the King's service, and came home wounded and worn out, to recruit among his relations. He stood connected with me as Dickson did. He was second cousin of my wife, and spent some weeks with us in Wiltshire, summer 1814. I cannot imagine to myself two men better qualified than Clark and Street were to do good in the world, both to themselves and others. They had also the means: they were substantial men in trade; and saving their dependence on Government patronage—their hanging upon Governor Gore for favours, would have been in every way respectable. This wretched dependence rendered them worse than useless in public affairs. It deadened; it corrupted their public spirit: it ren-

* *Milling* is a term of Canada, used to express the business of a miller, and shop-keeping is uniformly in connexion with it.

dered them at once treacherous to themselves and others.

For the sake of illustrating and making clear a matter of public concern; for the sake of exposing the roots of provincial delusion and weakness, I shall quote special facts; I shall descend to detail. Mr. Samuel Street was, I believe, the nephew of Samuel Street, who signs the Address to Governor Gore, page 330,—that disgusting Address, blasting the open, frank, and manly endeavours of Jackson to call attention from home to the state of Upper Canada in 1809, when infatuation was in its most ruinous career. Gore, I have said, page 473, stood high in point of private worth; and his errors, as a governor, I believe, proceeded from an ignorance of sound colonial policy. He was of a generous disposition, had every thing at his disposal, and flung about his favours, gratifying self-love, and extorting flattery, with the most lavish hand, never for a moment thinking of the evil produced by such procedure.

Now that I have done with the Sedition Act and the abettor of perjury, I wish not to fret myself or the reader with more than enough of the disagreeable. The ruinous effects of Gore's government can be illustrated even with a good-humoured parable.—A certain rich man had a pig, which he was ambitious to make as fat as the pig of his poor neighbour. He spared no cost in the purchase of viands known to be palatable to pigs, and he flung these viands into the pigstye in-

cessantly from night to morn; but nevertheless his pig remained lean and sickly. By-and-by he was advised to alter his system of pig-feeding. He cleaned out the stye: let the pig fill the bottom of its stomach: kept its appetite sharp; and by ceasing to overdose, was speedily in possession of an excellent porker.

At Queenston there was a most valuable public property, the best landing-place for goods on Niagara river. This property had been promised away to a relation of Mr. Street, probably the very Speaker of Assembly who appears in page 473; but the grant had not yet been confirmed, when Mr. Street stood in the shoes of his deceased relative. The confirmation of the gift still rested with Governor Gore. I wish not for a moment to say that Mr. Street's claim to the property was not good, yet *favour* was at the bottom of the transaction, and *fear* was the consequence. The fear of offending Governor Gore undoubtedly urged on Mr. Street to a desire of checking the *freedom of opinion*. By-and-by I shall shew the infinite need there was for the freedom of opinion, for discussion, and inquiry: here I shall only notice, that if the public property in question had been put to use, as Government could have done, its value might have been raised a hundred fold: it might have been publicly useful. To this hour I presume Mr. S. has not drawn from it a farthing, or put it to any good purpose; nor can he do what I allude to, as Government could have done.

The rapids of Niagara would have given mo-

tion to a thousand mills. These rapids are entirely in the hands of Clark and Street: given away by thoughtless patronage and favour, only to encourage monopoly, and deprive the public of fair competition; to say nothing of laying the owners of them under restraints and obligations at variance with truth and public spirit. A law-suit was pending, which sprung out of a lease of part of the water privileges. It was thought that procuring a king's patent to the property in fee would strengthen the lease, and affect the issue of the suit. To obtain this patent became another object of favour and fear; and so the thing goes on, like sin and death, in eternal abomination.

The individuals in question were, in every way, the most respectable in the province. In their situation, who might not have acted as they? who might not have been blind and infatuated? My complaint is against the system of public management, not against the men. Thousands throughout the province were operated upon by the *system* in worse ways than *they*. *They* fell in my way: *they* thrust themselves before me; and while I regard their worth as private men, I hesitate not to hold them up as examples for public instruction.

About a fortnight after Mr. Street's absurd rising against my Address, he got still more alarmed with an appearance of being connected with me in politics. He wrote a letter, which he desired me to get published for him in the news-

papers. I remonstrated seriously against his desire; that he might not expose the infatuation under which he laboured; and when serious remonstrance failed, I tried to laugh him out of his intention; but all to no purpose. Then again, Mr. Clark, after being my warmest, and, I thought, most trusty friend, started off in a moment, at the bidding of William Dickson: he not only attacked my public principles, but openly, before a multitude, run down my veracity; and from shaking of hands, was at daggers drawing! Neither then, nor now, did I look to such conduct as proceeding from malevolence. It was infatuation—provincial madness; and, in these needy times, it is no joke, if, by putting down this madness, which rages more or less all over the provinces, half a million of money may be saved out of the taxes of England, and perhaps half a million more brought to a profit account only by putting down *madness*, and substituting common sense and *management!*

The physical strength of Canada, and I would wish this constantly to be kept in mind, is to be improved by the *right arrangement and proper disposal of property*. Its moral worth is sadly abused by *magistracy;* and as better opportunity may not occur, I shall here glance at the state of the province in this respect.

The *genus*, magistrate, in Upper Canada, has, in its composition, a large proportion of ignorance and vanity; and the different species most deserving

of note may be thus statistically ranked, in order as they most abound throughout the province.

1st. *Simple magistrates*, in proportion of 50.
2d. *Loyal-mad magistrates*, do. 25.
3d. *Ruffian magistrates*, do. 15.
4th. *Big-bugs*, - do. 10.

My friends Clark and Street did not rank under any of these denominations. Free of Government influences, they would have been highly respectable, even in this country. Free of Government influence, such men would be a host in the provinces for all that is good. They were active, judicious, honourable in their dealings, and had a proper sense of decorum in all civil and religious observances. There was nothing in the AIR of Upper Canada that had maddening effects, so far as I could discover. There was in the province less morbid melancholy than in England, and less *daffen** than in the county of Fife. All that was

* The *folk* of *Fife* will understand me; but, for the instruction of others, I must note, that *daffen* means *merriment*, in its general application. Applied to a certain inherent or hereditary quality in the *lairds* of Fife (landed 'squires), the word *daft* must be taken with a tincture of innocent madness. "The *daft lairds of Fife*" are well known over all Scotland. They used to be great rogues collectively, good fellows individually, and never better than in their *daffen*. Now, I am afraid, they are become too poor to be *daft*. But, *daft* or sober, may I never see among them "an *auld* friend wi' a new face." I myself was born, it was thought, to be a Fife laird; but fortune is a *daft* jade; and, for the present,

wrong, indeed, in Upper Canada, could clearly be traced to the cursed, useless, wasteful influences of Government.

Your *simple magistrates* were scattered throughout the whole province, from Hawkesbury, on the Ottawa, to Amherstburgh, on Detroit River. Distance from neighbours, from schools, from churches, from books, from newspapers—all tended to make simple magistrates most abound. They were very good sort of men; but, as magistrates, really worth nothing; and, when afraid of their character, as loyal men, being put in hazard, very considerably worse than nothing, as I found to bitter experience, even in the district of Nia-

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it seems to be all over. This, however, I wish to assure the *folk* of Fife, that

> *Whare* e'er I may wander, a *puir* broken *laird*,
> I *wud* like to lie *doon* in Ceres *kirk*-yard.

I gave advice to the *folk* of *Fife* twelve years ago, which followed up, *canily*, might have reformed the British Parliament. I gave advice to the *folk* of Wiltshire five years ago, which if followed up *canily*, might have reformed the poor-laws of England. I gave advice to the *folk* of Upper Canada three years ago, which, if followed up *canily*, might have made their country the most prosperous part of the earth; but here I am, banished out of his Majesty's province, with no *laird-ship* in Fife—no *farm* in Wilts; and still *daft* enough to persevere in thinking that I may yet do good to the *daft* folk of this *daft* world; mixing serious matters with jokes, and doing all things *canily*.

I

gara. I had only been confined a fortnight in Niagara jail, trusting that I should, at least, have fair play by the time that any charge against me was brought before a jury; but here Messieurs Clark, Dickson, and Co. were too much for me. They got up no less than three fulsome and most insidious addresses to the Lieutenant-Governor, in order to injure me in the public mind, and save themselves: brought these into consideration at a quarter-sessions court held right over the cell where I was confined: had the Parson of Grimsby to blow up the fears of simple magistrates on the subject of sedition, and a full dozen of my friends, simple magistrates, who had been the first to support my proposals for inquiry, signed these addresses, and made the country ring with "for shame!" and, *for shame*, say I still, after two years have gone by, and I am removed more than 3,000 miles, from the cowardice and treachery of simple magistrates of Upper Canada. Jesus Christ was crucified on false charges of sedition and blasphemy; but nobody said he did wrong in calling the provincial governor a *fox*, and holding meetings. The simple magistrates of Niagara district deserted me, because I asked them to meet for consultation as to instructing members of Assembly in their duty, and, very good-humouredly, called the provincial governor a *babe!!!*

Your *loyal-mad* magistrates were composed of half-pay officers, officers of the militia and U. E. loyalists. These were good-hearted gentlemen; but singularly wrong-headed. All Ameri-

cans, with them, were *Yankees* in the bad sense; and the revolutionary war of America, which procured for them and all the other North American colonists, the valuable consideration of not being subject to taxation, but by their own consent, was uniformly called by them the *rebellion*, and spoken of with symptoms of detestation. The loyal-mad, though 15 per cent. in 1818, will, I am convinced, wear out rapidly.

Ruffian magistrates abounded along the banks of the St. Lawrence from Brockville to Cornwall inclusive; and, while the Lieutenant-Governor is held in leading-strings by the Parson of Little York, they will be kept up in full strength and number, no doubt.

Big-bugs, were mostly confined to the town of Kingston. In Niagara district there was but one Big-bug: viz. Councillor Claus.

Little York contained a peculiar sort, with characteristics bearing affinity to those of an animal still more familiar to man than a bug; and no dishonour to Little York, for "your louse is a gentleman." Their number is too contemptible to give them place, as a species. There was but one NONDESCRIPT among the magistrates of Upper Canada, for all that is above said by no means conveys an adequate conception of *the Honourable William Dickson, Esquire, Legislative Councillor, lawyer, land-jobber, and Justice of the Peace.*

This sketch I have drawn out, to call attention to the urgent necessity of reform in Upper Canada, in the appointment of magistrates. It may excite

laughter; but my own impressions sink rather into melancholy: and I am truly serious in wishing that no feeling but what is respectable and grave, could be associated with the character and conduct of Canadian magistrates; nor, is it impossible.

The policy of strengthening the Executive branch of Government by letting the Governor have undivided and uncontrouled power in making and unmaking of magistrates, is attended with the most woful consequences. The Governor never can be personally acquainted with a tenth part of those who must be put on the commission, and he is surrounded with people who have neither character themselves, nor care for that of those they recommend to notice. There were on the commission, while I was in the province, some magistrates who would disgrace St. Giles's; men who never would have had countenance, either from the most stupid or depraved Governor, could he have had personal knowledge of their conduct and character, altogether subversive of every purpose of policy. Ignorance, I have said, pervades the whole *genius* of magistracy, and no wonder, considering the wretched state which society must be in, where there are not seven souls to the square mile. Thus situated it is no discredit to be ignorant. Men secluded from opportunities of gaining information must be so. What I want to observe more particularly, is the effect produced by the conjunction of ignorance with the other prevailing quality—vanity. An ignorant man, set above his neighbours by a Provincial Governor, has every innate particle

of common sense blown out of him by the inordinate swell of vanity. The silly conduct of the *simple magistrate*, in particular, whether puffed up with vanity, or trembling in dread of being put out of the commission, is absolutely sickening, or what is still more ruinous to authority—laughable. The jealousy, the false notions of duty, and the foolish zeal of the *loyal-mad*, all heightened with the swell of vanity, does infinite mischief; while the same quality blinding all sense of shame in the *ruffian* magistrate, makes him stick at nothing either in court or out of it. The people in general through the province are peaceable, willing to obey lawful authority, and docile,—susceptible, indeed, of being trained to perfection; yet I witnessed, during my stay, some of the most shocking outrages, and in every case these were either committed or countenanced by magistrates: nor is there a possibility of an ordinary individual getting redress for wrong. Mr. Birkbeck has, in his Letters from Illinois, given a sad account of the ferocity and lawlessness of some of his neighbours in the woods. I never observed in Upper Canada any thing of this sort unless on the part of magistrates or creatures of the Government. Now, what I wish to be particularly attended to is this fact, that, sinking every other consideration, it is bad policy for Government to have magistrates appointed as they now are. Nothing, indeed, sours the people with the Government, or makes them so contemptuous of constituted authority, as the silly, mad, and ferocious conduct of magistrates. The corrective is obvious and simple. The people ought to

have a voice in the appointment of magistrates. The people, left entirely to themselves, would not select the fittest characters to have authority over them; and this has been proved by practice in the United States; but were they to choose a certain number of individuals from among whom only the Governor could appoint; or could a magistrate be removed from the bench upon the regular application of a certain proportion of the people of the township or district wherein he resides, very great benefit would thence accrue. No very ignorant person would remain on the bench if the people had an eye to it, with such controul as I have pointed out; and that most contemptible of all qualities—that quality most at variance with the exercise of authority, as well as respect for it—the quality of vanity, would be completely kept down. I cannot, perhaps, leave on the reader's mind, a better or more lasting impression as to the vanity of Canadian magistrates than what will appear from the following account of the Big-bugs.

Big-bugs, I found, chiefly congregated in Kingston. They were shopkeepers, who during the war had become wealthy, and from looking at, or perhaps associating with, British officers, had acquired an outward shew of gentlemen, while the interior was stuffed with all sorts of selfishness, vulgarity, and rottenness. These gentlemen could do what they liked, but under the influence of deep-rooted ignorance, put their hand to nothing which they did not bungle. In the exercise of their brief authority, they bit keenly

and capriciously; and this, with a certain impression made upon the olfactory nerves by the view of ill-put-on pomposity, had, I suppose, acquired for them the above very significant appellation; which, however nauseous, when duly considered, had nevertheless, by use and wont, if not by pleasure and profit, become enviable. One day I had occasion to call on a simple magistrate, some way in the woods out of Kingston, in company with two farmers. Speaking to the magistrate, of the opposition which had been stirred up against inquiry, I chanced to say, "You Big-bugs oppose us unreasonably." The eye of his worship instantly brightened: I felt that an advance was made in his good graces; and, on our departure, my brother farmers, laughing, said, that I had hit upon the very charm of charms in applying the term Big-bug!

One person on my list still demands attention, Chief Justice Powell. This important person of the drama was, I believe, a native of Boston. He has friends still there, as well as in England. Though a shallow lawyer, he is quite the deepest man in the province—*a man of the world.* I have, for want of better, applied to him a Scotch word, as most descriptive of that knowingness for which he has been noted—the word *pawkie;* but, then, as all my readers are not my countrymen, I must define the word, thus. Suppose a personage having purloined your sugar-plum, sucks it till both his mouth and eyes water with gladness, making you all the time think that such gladness proceeds

from the pleasure of your company, instead of the sweet relish of your unseen and lost sugar-plum; then you have some idea of the term *pawkie;* and it will help you on to comprehend, though not altogether, the Chief Justice of Upper Canada: it will give you more favourable impressions of him than I received from certain magistrates of Niagara district in 1817-18; one of whom very positively assured me that he "was at the bottom of all the mischief in the province."

It is said that he was once arrested, put in irons, and hurried from top to bottom of the province, on suspicion of carrying on a treasonable correspondence with Americans; but I myself acquit him of all mere suspicions, knowing how villanous they are under provincial jurisdiction. I shall try Chief Justice Powell upon something more tangible, legal, and logical. After getting clear of the handcuffs, he continued under a cloud, but at last got into favour with Governor Gore, and by that favour gained his seat on the bench, and many more *favours.*

The Addresses, pages 441, 2, and 3, give us considerable insight as to his tactics, in gaining favour. He seems, we may safely infer, to have given Governor Gore more flattery than instruction in the laws of the land. I apprehend, indeed, that he sucked the Governor's sugar-plum. It is scarcely possible to suppose that this man was unacquainted with the British statutes, 13th Geo. 2d and 30th Geo. 3d, when he signed the

Address dated March 1816, and was "*impressed with a lively sense of the firm, upright, and liberal administration of Francis Gore, Esq. Lieutenant-Governor:*" but most assuredly, when he signed the Address dated May 1817, after the Assembly had been dismissed for resolving upon these statutes, he could not be ignorant of them; neither could he be ignorant of the mighty mischief which had been done to the province by Governor Gore in counteracting the express, the clear meaning and purpose of these statutes. In his Address, however, of 24th May, 1817, we find him "*repeating those expressions of our sentiments of gratitude to your Excellency,*" and, in spite of the published, though not passed, Resolution of Assembly, setting forth "*That an humble Address be presented to his Excellency the Lieutenant-Governor, stating the injury that has been sustained by the province, and the check given to its population and prosperity, by the preventing emigrants from the United States,*" (page 290) we find this Chief Justice saying, "*when your Excellency lays at the feet of his Royal Highness the Prince Regent proofs of the gradual increase and prosperity of this province from your faithful administration;*" what can all this indicate but the vilest duplicity—the most wanton disregard for truth? He knew when he signed the Address of May 1817, not only that the statutes on which the province so much depended for settlers had been counteracted; but that most grievous injury had been

sustained therefrom. All this, however, was but play to a provincial Chief Justice, deeply skilled in colonial policy!—a Chief Justice who had seen the Provincial Assembly get hold of a single copy of a pamphlet published in London, to inform ministers of the abuses of Governor Gore's administration—Jackson's pamphlet—get hold of this pamphlet, and with their treacherous, abominable sycophancy, denounce the clearest truths to be libel, and give excuse to ministers to neglect inquiry!!

A Chief Justice, who had seen this and a hundred instances of corruption all around him, felt confident that he, a single individual, might play safely at the game of delusion. He no doubt thought the opportunity most particularly favourable which allowed him to seem indifferent to the reputation and interests of his countrymen the Yankees: which allowed him to follow up the game that got him out of the cloud of suspicion for being attached to these his countrymen: which allowed him, with such appearance of consistency, to go on deluding Governor Gore,—to go on persevering in the same strain of flattery and falsehood which had given him the centre seat on the bench, made him an Executive Councillor, a Legislative Councillor, &c. &c. besides providing several places of profit and honour for his two sons. I exhibited above what were the consequences of Government influence with two of my especial friends. Now I have got deeper into the slough of corruption, for here it is, fore and aft; above, below: and over

head and ears. The Chief Justice of Upper Canada gets himself out of the cloud of suspicion, feathers his nest with flattery, and then with his brood sits basking in the sunshine of court favour, totally regardless of truth, good policy, or statute law!—aye, of the most invaluable of British rights!—Was all this from ignorance!!

Let us now try him a little further by his own chronicles. When we have sufficiently reflected upon his false and fulsome addresses to Governor Gore, so far as they ratify and approve the arbitrary measures taken to *shut out Americans*, let us take into consideration "*the* WISDOM *of the measures by which you have preserved this province to be a* TRULY BRITISH COLONY, *and the solicitude with which you have watched over the welfare of his Majesty's subjects:*"—let us take this into consideration, and contrast it with his remanding *me*, a British subject, to gaol;—*me*, who had applied to him, by my constitutional and unalienable right of *habeas corpus*, to be set free:—let us contrast his doing so with his approving of *shutting out Americans*, contrary to law, and then canting about the "*truly British colony*," and the "*welfare of his Majesty's subjects*"!! Lastly, let us see him sitting on the bench at Niagara, with a little cocked hat stuck over the top of his sugar-plum countenance, putting me on my trial of *guilty*, or, not *guilty*, of the *fact* of having *refused to obey Councillor Dickson's order, founded on the oath of Isaac Swayze, Member of Parliament*, that I was *seditious*, nearly twelve months after I had refused Dickson's land, for

upholding British statute law, in opposition to this Yankee's cant: after I had voluntarily suffered imprisonment for nearly eight months, in order to go home in triumph to my friends as a thrice-tried British subject, with a THIRD *honourable acquittal* from false charges of *sedition:* let any one keep all this in view, and it is not a tenth of what I could present;—let any one keep all this in view, and imagine himself brought into the fresh air, after six weeks close confinement, during the dog-days of Upper Canada, with an imagination more lively by weakness, and the powers of reasoning totally unmanageable;—let any one suppose himself brought forth and insulted with the mockery of justice and all that was decent, by such a man as I have described, asking me if I was *ready for trial*, and he will be cruel, indeed, who would not grant indulgence to the utterance of contempt: It was in this feeling,—in this maze of disgust that I lost myself. —Thank God, I am now in the calm enjoyment of reason; and setting aside all feeling—all passion, I would, in sincerity, put this question to every one who has an interest in, or any regard for, our national honour and prosperity, if Chief Justice Powell is a man calculated to advance either the one or the other,—if his conduct has not added to the many reasonable demands for inquiry into the state of Upper Canada?

Should *my* extraordinary case astound too much, I have a simpler one. Chief Justice Powell enjoyed, among his other Government salaries, £100 a year for being a member of the land-board. My

brother went out from Scotland expressly for the purpose of settling in Upper Canada, had a character free even of suspicion, presented to the landboard a regular petition for a grant of wild land of the Crown, took the oath of allegiance, and paid fees; got an insulting answer in return for his petition, his oath, and his fees; all of which was well known to Chief Justice Powell; yet this false, flattering sycophant,—this man, who puts his name to the Address cheering up Governor Gore after he had shut out Americans, with cant about the "*truly British colony*," and the "*welfare of his Majesty's subjects*," lets my brother, an unoffending, supplicating British subject, remain eleven months in Upper Canada unattended to, at last to go off to try his fortune in another "*truly British colony*,"—Demerara.

Lastly; and, to have done with Chief Justice Powell; his character cannot be unknown to Earl Bathurst: at least, I can say this for a truth, that Major Loring, spoken of p. 464, gave me to understand in 1818 that he was going to England for the express purpose of informing Lord Bathurst as to his baseness; and my most thorough conviction leads me to confirm the opinion of the Niagara magistrate; that "*he is at the bottom of all the mischief of the province:*" *shutting out Americans*, or *shutting out British subjects*, just as it suits *the man of the world.*

To close this subject of *shutting out Americans*, I shall now make a few remarks on my second Address to the Resident Landholders of

Upper Canada, which assisted to open the door for free ingress according to law. That Address was by far the boldest thing published by me in Canada; but it was imperiously called for in all its parts; particularly where it decides as to the principle and law of allegiance. It is perfectly clear, that though orders had been sent from home to exclude Americans from freely settling in Upper Canada, that the provincial legislators, not excepting my *faithful* instigator Councillor Dickson, were one and all of them to blame as to the counteraction of the British statutes 13th Geo. 2d. and 30th Geo. 3d. All of them joined in giving the £3,000 to Governor Gore within six months after he had issued his CIRCULAR of 14th October, 1815; and it was even said that the Resolutions which caused Parliament to be hastily dismissed would not have been brought forward had Governor Gore continued sufficiently loving to certain of his favourites. Caprice, it was said, assisted to frame the Resolutions, which should have been framed and passed one year sooner; and certainly, prior to bestowing any gift on the Governor. Councillor Dickson himself did not run restive from any zeal to support statute law against the encroachment of executive power, or any clear perceptions of law. He got sulky only after he began to *feel* consequences; and had no right whatever to abuse Governor Gore for putting restraints on the free ingress of American Settlers. He had, for a year at least, countenanced the unwarranted presumption of executive power, in is-

suing the first restraining CIRCULAR; and, under circumstances, Governor Gore did perfectly right to turn him out of the commission. Governor Gore had an undoubted right, at any time, with reason or none, to make or unmake him a magistrate, and his acquiescence in the general measure of restraint, justified Governor Gore in the particular act of depriving him of power which he used to contravene the spirit of that measure. Mr. Councillor Dickson did not seem to care one farthing though Americans were *shut out*, in general; did not seem to care one farthing for the law, as it was essential to public interests, provided he could have a special leave to benefit himself and settle Dumfries with Americans. The Councillor would say this to his Excellency, "Take you, Governor Gore, £3,000 of the people's money for the purchase of silver spoons*, and indulge yourself in a thorough search of every man and woman also, that comes to settle in Upper Canada: annoy the men and kiss the women, by all means, coming in to settle other people's land; but throw not the smallest obstacle in the way of male or female proceeding to Dumfries. Let me remain on the commission to swear in my settlers without annoyance, and in that case, do whatever you please. I care only for *myself*."

* The vote of Parliament to bestow on Governor Gore £3,000, by address, for the purchase of plate, was humorously called by the people, "*The Spoon Bill.*" They saw through the thing perfectly; but thought it best to console themselves with a laugh.

As to me, I had not been in the province many days before I saw into the absurdity and impolicy of making harsh and odious distinctions between British and American settlers; but I knew little of the laws on the subject till a week or two before I took up my pen to support the principles on which they had been framed. As to self-interest in the affair, that did not move me in the least degree. I had some landed property in Upper Canada, which had become unsaleable in consequence of the *shutting out* of *Americans*, and in drawing out a petition to the Provincial Parliament, and otherwise, I took advantage of this to ground upon it my plea of complaint; but the consideration of loss upon that property, in consequence of the counteraction of law, did not actuate me in the slightest degree when I wrote my second Address to the Resident Landowners of Upper Canada. If I had regard to any private interest in this way, that of Mr. William Dickson was nearest my heart, for I did think his situation a very cruel one. In some respects, the *shutting out of Americans* promised rather to be favourable to my own private views. Looking to the business of land-agency which I proposed to establish, it gave hope that the home ministry might be more disposed to countenance emigrants to Canada, and patronise my efforts, when once convinced of their error, in order to make amends for the mischief done to that country by stopping the accustomed stream of settlement. My zeal proceeded from feelings infinitely above selfish

considerations. I not only saw British statutes wantonly set aside for the worst of purposes: I not only saw the purest bond of attachment between a people and their protecting government—the substantial bond of affection and interest, sacrificed to a matter of mere form, and to an assumption, which, in the abstract, I deny; (yes, I deny in the abstract, writing *here* in London, any *absolute* and *indissoluble* bond over me on the score of natural allegiance) but I perceived that the grossest errors existed respecting the principle and law of allegiance, and that the most dreadful consequences might ensue without explanation. When the British Declaration against America was published in 1812, I had weighed the assumption, that, "*no individual could throw off his natural bond of allegiance.*" I had weighed it in the abstract and found it wanting; and it was not long before the question came to issue in practice. Our Government, big with the notion that their declaration as to the principle and law of allegiance could be maintained, seized certain natives of Britain who had sworn allegiance to America, and who were caught in arms fighting against the King in Canada, to try them as traitors and put them to death; but what happened? The Americans seized an equal number of British subjects in Canada, held them as hostages, and, threatening retaliation, overawed and set aside the purpose of our Government. The natives of Britain, sworn subjects of America, were liberated. What then became of the assumption in our state Declaration? What respect in-

deed did it deserve, when the British Parliament, by statute law, had been for upwards of twenty years seducing from natural allegiance subjects of America, and placing them in the cruelest situation; —in the event of Canada being invaded, making them liable to trial and condemnation by the American Government, should that Government assume our declared principle of allegiance?

Being made up in my mind, before going to Canada, that the ancient principle of allegiance was incompatible with practice in America, the wretched policy which I found pursued in the province struck me ten times more forcibly than otherwise it would have done. It betrayed ignorance in every way: ignorance of the state of the province: ignorance of human nature; and most culpable ignorance of statute law, if not the most criminal disregard of it. My intimacy with Clark and Dickson: my knowledge of the vast loss they had sustained, as land speculators, from arbitrary measures of Government, and the violent way in which they, legislative councillors, talked on the subject—all made stronger and stronger impressions on my mind, and when I had once resolved that a thorough investigation into the state of Upper Canada was absolutely required, it would have been worse than trifling to blink this great question regarding allegiance; and now that it is brought before the British public, I would solicit to it most particular attention. It is a question which should be fairly argued before

the British Parliament, so as to have determined rules laid down for practice.

When writing my Address on the subject, I was not aware that by common law there was established that clear distinction pointed out in the extracts from Judge Forster, quoted in page xxxix of the General Introduction, between *natural* and *local* allegiance; but this clear and established distinction makes it appear still more necessary that the Legislature should interfere, and establish something better and more distinct—establish clear regulations, by which men may be governed in the exercise of their most important rights and duties.

—It is worse than useless to promulgate a law which cannot be enforced, even though that law is not at variance with abstract, natural, and indefeasible right; and, if any law exists, whether a law of nations, or any other, which experience and growing knowledge demonstrates to be wrong, that law should be repealed, openly and expressly. It is, in fact, repealed, tacitly, the moment that it cannot be enforced, for power to execute a law is a necessary part of it. When the power ceases the law must, from the nature of things, cease to exist. It may be said that our Government, when they relinquished their design of trying, as traitors, those native-born subjects of Britain who were found fighting against the King in Canada,—who had sworn allegiance to the Government of the United States, might have

been tried and put to death, for the ancient law of allegiance had not yet been dropt, and our Government *had* the *power* to enforce it: it may be said that the ancient law still exists, because our Government, only for the time, yielded to *expediency*. I say, no: the ancient law of allegiance is *dropt*—is *annulled for ever*, as an international law between Britain and America. It *is*, and *ought to be* dropt. The intercourse between America and Britain is now so great; and so many natural-born subjects of Britain have become sworn subjects of America, are becoming sworn subjects of America, and will continue to become sworn subjects of America;—so much intercourse has taken place, is taking place, and will continue to take place, between Britain and America, that the very idea of maintaining, that the ancient law of nations, regarding allegiance, now subsists between these nations and countries, is absurd; and, what is now required—imperiously required, when we look to the relative situations and close connexion of America and Canada, is, that between these countries there should be an *immediate* understanding on the subject,—that between these countries, at least, there should be fixed terms to regulate practice as to the rights, duties, and obligations of allegiance. The subject should immediately be brought under discussion before the British Parliament; and, after grave determination there, our ministers should confer with the American Government, in order

to have a rational international law decided upon and mutually proclaimed.

After my Address on the subject of allegiance was published in Canada, I observed, from American newspapers, that the question was agitated in Congress; but it was quashed, or laid aside. It ought not to be laid aside, or neglected. The consideration of it is most pressing, as it concerns Canada and the United States—Britain and America; but, it would be well if every nation on the earth could be brought to a unanimous decision for general good—to a plain, well-defined, and well-understood international law on the subject of allegiance.

Mankind are every day becoming more and more enlightened; and as they become enlightened, the intercourse between nations will increase: it will increase, I hope, till all nations become one as to allegiance, and every law on the subject shall be void for want of object—when a free and unrestrained intercourse and fellowship shall universally prevail. In barbarous times, and while mankind were not yet in possession of the printing press—when they could not converse together beyond limits prescribed by tyrants—when they could not find opportunity to learn and be agreed upon these great truths, that bad government has mainly promoted *national* antipathies; that the interest, of governors only, was served by war; and, that, that of the people was to join hands from all sides for the suppression of

tyranny;—in these times it was indeed fitting to declare that the bond of natural allegiance could not be shaken off; that, if born in Turkey, we must worship Mahomet; that, if born in Hindoostan, we must fall down before Jaugernout; that church and state were indissoluble; and that natural allegiance must give eternal sanction and support to superstition and tyranny. O! to be sure, these were all choice and necessary maxims for the days of darkness: these, indeed, were the maxims of antiquity, which Edmund Burke, thirty years ago, wished us to adopt, and to entail on posterity. Thank God, that, after thirty years have passed away, we can laugh at the frenzy of Burke, give full swing to speculative opinion, and stand up as staunch and determined supporters of abstract right. Nay, we are entitled to look back with contempt on the man who could commit to paper such a sentiment as this—"The very idea of the fabrication of a new government is enough to fill us with disgust and horror*." Such a sentiment as this, especially considered as proceeding from a man who cheered the American rebellion, provokes us to stand by the preacher, and assert, in mere opposition to the pensioned statesman, that we have a right

"1st. To choose our own governors.
"2d. To cashier them for misconduct.
"3d. To frame a government for ourselves.*"

* See Burke's Reflections on the French Revolution, where

Most assuredly, these are abstract rights of the people—not the people of Britain only, but of every country under heaven. These are not only our abstract rights, but rights which we have exercised. These were the rights exercised by the Convention Parliament of 1688. That Parliament, most assuredly, *framed a government, cashiered* James, and *chose* William for our *governor*. It is true that the Convention Parliament was not formally appointed by the people; but it was so, tacitly; and, in the people's name, did it act. The Convention Parliament consisted, perhaps, of presuming coxcombs—the Big-bugs of their day; but, let it never be forgotten, that these Big-bugs laid the first solid foundation for popular rights, and rational liberty.—So, blessed, for ever, be the memory of the Big-bugs.

A declaration of principles not only gives strength and freedom to the mind, but frankness and liberality. When we have got all we are entitled to, then we think of concessions and compromises; then the heart warms and unfolds. It is not true that Government has caused all the misery observable in the world. The vices inherent in man—the vices of individuals, first made government necessary, and gave advantage to power. Power, established, soon became vicious, from the inherent wickedness of those who swayed it, and gave birth to tyranny. Individuals, then

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he utters the sentiment above quoted, and attacks Dr. Price for having maintained these three positions.

oppressed by tyranny, became more vicious and weak. The offspring of vice, tyranny, now became a necessary scourge for the vices of individuals, and the vices of individuals were continually, without avail, brooding over the destruction of the scourge. Thus, we can trace effects from causes: we can determine that vice cannot subdue itself; and that our only hope to get clear of misery is rigidly to adhere to virtue—to wisdom, whose "ways are pleasantness, and all whose paths are peace."

The grand essential for the improvement of man and government is *freedom of opinion*, which blue-laws would put down; but which, thank God, has now, from the aid of the printing-press, got beyond controul—got fairly a-head of superstition and tyranny; at least in the United States of America; and, with discretion, even here, in London.

A case can scarcely be supposed to exist which required, nay demanded *freedom of opinion*, more urgently than that which induced me to put it to use by the publication of my second Address to the Resident Landowners of Upper Canada. Orders had come from home to check the ingress of Americans into that province, clearly without knowledge or regard of statute law, and still more so, of other circumstances. The Provincial Executive had acted upon these orders, under the countenance of the legislature; and nothing but sore experience and a vast depreciation in the value of property, had awakened *feeling* to any

consideration on the subject. Feeling, not judgment, had determined that errors had been committed; and it was important that judgment should be roused up and brought into action. But even *feeling* had not yet fully discovered the most dangerous seat of disease. Neither the home nor provincial Government seems to have ever thought of a most vital matter connected with the settlement of Upper Canada, whether with British subjects or others. Experience had proved that the bond of *natural* allegiance could not give the British Government a hold over natives of Britain, who had become citizens of America, or, which is the same thing, the British Government could not keep that hold; and, as for the inhabitants of Upper Canada, the greater part of them were bound to be true and faithful to his Majesty, only by the bond of *local* allegiance, which bond, according to law, they could throw off as soon as they crossed the boundary between Canada and the United States. According to law, these people could change their allegiance seven times a week. One day, they could pass over to the Americans, and, swearing allegiance to their Government, return into Canada, to fight against the King: then, next day, they could swear allegiance to the King and bear arms against America; and, so, alternately, without ever subjecting themselves to legal prosecution for treason and rebellion. Nay, even native-born British subjects, after they saw that the grand declaration of our Ministry, as to

the principle and bond of natural allegiance, was dropt, or could not be enforced, might have been tempted into tricks of the same description; and, Willcocks was one, at least, who actually did go over to the Americans, very likely under an impression that he had an unquestionable right to do so. This frightful state of things, as it concerned the question of allegiance and others of the highest importance, which I clearly saw into, and which could only be settled by the British Parliament, stimulated me to be bold and determined in the measures I took, in writing my second Address to the Resident Land-owners of Upper Canada, and in urging an immediate inquiry to be made, with a view of submitting the whole state of the province to liberal and superior consideration—to the British Parliament, which alone could settle matters of such tremendous consequence; not only regarding the properties but lives and liberties of many thousands of people; we may say, the whole inhabitants of the province. My address produced effect; but by no means, the full effect which I desired. It served the purpose of Mr. Wm. Dickson, indeed; but to this day, I am convinced that even *he* remains blind to the question of allegiance, as I have now represented it; and which I am most anxious should be taken into the serious consideration of my readers in this country, better qualified to judge than the weaklings of a province. The conduct of Dickson and Claus, Legislative Councillors of Upper Canada, in arresting and imprisoning me, a native-born Briton, under colour of the alien sedition law, as well

as that of Chief Justice Powell, in refusing me liberty, applied for on writ of *habeas corpus*, most clearly proves that these men were blind on the subject of allegiance. They neither appreciated justly the value of *natural* allegiance, nor understood the distinction between that and *local* allegiance, which alone their sedition law regarded or could regard. And here it is necessary to explain. I have said that the law of *natural* allegiance has ceased, as it concerns people emigrating to America, and becoming citizens of the United States; and, I *do* say so. It has ceased as an international law, from necessity; and its cessation in this character, has been manifested by the act of our Government setting at liberty native-born Britons, *sworn* citizens of America; but, it has *not* ceased, as an international law otherwise; far less as a national law. Its cessation, as an international law, between Britain and America, has not taken away its power over a British subject while he remains within his Majesty's dominions; neither, I trust, are my most valuable rights and privileges held under it, to be taken away at the arbitrary will of Councillors Dickson and Claus, aided by Chief Justice Powell: no, nor even by my own act of submitting to a trial while my powers of reasoning were weakened by the oppression and cruelty of provincial tyranny, no doubt enforced by the orders of Sir Peregrine Maitland. By a right understanding of the law and principle of allegiance, the Canadian Sedition Act, infamous as it is, can yet be made perfectly consistent, so far as British rights are in question. Let it be understood that, the oath of allegiance

which it requires to be taken, is merely that which confirms *local* allegiance, and all difficulty, in its interpretation, is done away—all inconsistency is at an end. With this understanding, it merely says to aliens and outlaws, take care of yourselves till the oath of *local* allegiance has put you under the protection of the British Government; and it makes a clear distinction between these persons and native-born subjects, who, of their own right, have a claim to that protection. Further, an alien cannot be tried for treason till he takes the oath of allegiance. The native-born subject, who has neither been outlawed, nor has sworn allegiance to a foreign government, can be tried for sedition and treason, though he has not gone through the ceremony of swearing allegiance, seeing that his natural allegiance subjects him to prosecution for such a crime. The Canadian Sedition Act empowers governors, and others, to order aliens to depart from his Majesty's dominions, and to imprison them in case of refusal, that they may not carry on seditious and treasonable practices with impunity; but, it never empowered them, nor was it ever necessary to empower them, to order native-born subjects, thus arbitrarily, out of the province; for the moment they could be convicted of sedition, they could be punished for that crime;—the moment they could be convicted of treason, they could be put to death. They could, under accusation for the first offence, have liberty till trial by finding bail. On a special charge of treason they could not find

bail; yet they could not be condemned till an overt-act was proved on trial by two witnesses.

I now come to the grand practical requisite for Upper Canada,—the matter of first importance for the British Parliament to determine, as to the obligation of allegiance; and, it is very simple. It is to fix a certain time within which a person having sworn allegiance to the King, in Canada, shall not lawfully throw off such bond of allegiance, and fight against the King, say, one year, two years, three years, or more. The confiscation of property upon desertion, in time of war, is one just and necessary principle of practice; and, thus fixing a time to restrict persons as to changing sides, and taking part in warlike operations, would complete all that is required. Under existing law, any man in Canada who has become a British subject, merely by taking the oath of allegiance, can unquestionably step into the United States, take the oath of allegiance to the Government of that country, and return immediately, in time of war, to fight in Canada against his Majesty's crown and dignity. I appeal to every rational being, if this is not an awful state of affairs: I ask, whether this alone did not call loudly for consideration, and whether it does not now imperiously require the attention of the British Parliament? I ask, if the necessity for settling this single point did not justify my first political Address in Upper Canada;—did not prove the value of opinion being free; and, does not demand inquiry into the state of the province?

PARLIAMENT, AND THE PEOPLE.

AFTER Councillor Dickson was so well satisfied with my Address, in favour of the free ingress of American settlers, as to offer me 500 acres of land for writing it, my hope was, that he would finish the Niagara Township Report, sign, seal, and deliver it; nor did I cease to entreat of him to do so. But, no: the Report was doomed to remain in the honourable hands to which it was committed by the worthy magistrates and others who drew it up. He and Councillor Clark went off for Little York, to be present at the opening of Parliament, 5th February, 1818; and, my purpose was to follow them, on my way to England, as soon as the Address was published at length in the Niagara Spectator, which it was the 12th February. On that day, and while the newspaper was preparing for press, the Gazette arrived, containing the President's speech; from which I extract the following clauses:

"His Royal Highness the Prince Regent has been graciously pleased to devote the proceeds of the estates vested in his Majesty, under the provisions of the statute to declare certain persons therein described aliens, to compensate the loss of individuals by the invasion of the enemy."

"To carry into effect the gracious intention of his Royal

Highness, some further legislative provisions may be required."

"*Honourable Gentlemen, and Gentlemen,*

"His Majesty's Government having countenanced a migration from the United Kingdom to the provinces of Lower and Upper Canada, it is expected that great benefit will result to this colony from the accession of an industrious and loyal population, and I recommend to your consideration how far it may be expedient to assist the emigrants by providing the means to defray the expense of the location and grant of land bestowed upon them by his Royal Highness the Prince Regent in his Majesty's name."

The reader will not, at first, see any thing very wrong in these clauses of the opening speech of his Honour the President of Upper Canada; but I would wish him to read them over again; and, by way of puzzle, question himself on the subject before perusing my remarks, which will be severe: not wantonly, but, in duty, severe. Deceitful, and often unmeaning, slang, has injured Upper Canada beyond all conception; and the above extracts will prove good examples for illustration.

Having said, that I shall be severe in my remarks upon these clauses of the President's speech, it may be well, in the first place, to say something of the President himself.

Colonel Smith served his Majesty in the American revolutionary war, and afterwards settled in Canada. I had but two or three short conversations with him, and my first impressions, that he was a good, well-meaning man, never changed. As a Pre-

sident he was nothing. He obtained that honour merely by routine, on the departure of Governor Gore; being one of the Executive Council. There were senior Councillors; but one of these held a permanent lucrative situation; and the other was disqualified, from being a catholic. A half pay Officer, after more than 30 years retirement in the wilderness, with little incentive to action, and very little communication with enlightened society, must be an extraordinary man indeed if he does not sink into sloth and inanity. I shall describe the residence and neighbourhood of the President of Upper Canada, from remembrance, journeying past it on my way to York from the westward, by what is called the lake road through Etobicoke. For many miles not a house had appeared when I came to that of Colonel Smith, lonely and desolate. It had once been genteel and comfortable; but was now going to decay. A vista had been opened through the woods towards lake Ontario; but, the riotous and dangling undergrowth seemed threatening to retake possession, from the Colonel, of all that had once been cleared, which was of narrow compass. How could a solitary half-pay Officer help himself, settled down upon a block of land, whose very extent barred out the assistance and convenience of neighbours! Not a *living thing* was to be seen around! How different might it be, thought I, were a hundred industrious families compactly settled here out of the redundant population of England! The road was miserable. A little way beyond the President's house, it was lost on a

bank of loose gravel flung up between the contending waters of the lake and the Etobicoke stream. This bank was partially covered with bushes. My pony sunk over the pasterns, and got afraid with the rattling gravel: he shyed at every bush; and was as foolish as a loyal-mad magistrate, alarmed with sedition: he was absolutely provoking. The half-spun appellations of Sterne's nuns would have been lost upon him. I cursed Little York for it; spurred, remounted, dragged, remounted, and spurred twenty times over, losing five minutes of time for every step of advance. It was my anxious wish to get through the woods before dark; but the light was nearly gone before the gravel bank was cleared. There seemed but one path, which took to the left. It led me astray: I was lost; and there was nothing for it but to let my little horse take his own way. Abundant time was afforded for reflection on the wretched state of property, flung away on half-pay officers. Here was the head man of the province, "born to blush unseen," without even a tolerable bridle-way between him and the capital city, after more than twenty years possession of his domain!! The very gravel bed which caused me such turmoil might have made a turnpike; but what can be done by a single hand? The President could do little with the axe or wheelbarrow himself; and half-pay could employ but few labourers at 3s. 6d. per day, with victuals and drink. After many a weary twist and turn, I found myself on the

banks of the Humber, where there was a house and boat. A most obliging person started from his bed to ferry me across the river; but the pony refused to swim. With directions to find a bridge near at hand, I was again set adrift, lost and forlorn! The bridge was at last found; but a third time, lost! was the word, and that, too, in the very purlieus of Little York; for even to the church of that poor, dirty, and benighted capital, there is nothing like a direct and well-made road! No less than seven hours were thus wasted in getting over as many miles!! The first improvement of every country should be the making of roads; and, after that, speeches from the throne may be patiently listened to. I blame not the poor President; but I lost every particle of patience with the clauses now to be examined.

The worthy President, I am convinced, had no concern in the fabrication of the speech. Judge Powell was *guessed* to be its author; but to save the modesty of Little York, I *fathered* it, to use Councillor Clark's expression, on "some half starved clerk in London." But what, now, is so very objectionable in these extracts before us? Gentle reader! be patient, and I will shew you, by and by, that these extracts, plain and simple as they may seem, with fewer *gracious* phrases in them than usual, do, nevertheless, contain that description of humbug (I can find no other word for my meaning) by which the august Assembly of Upper Canada has, from its nativity, been kept in precious stupefaction. Whether to give *design* any credit for this description of thing, and call

it court policy, or whether it is a direct and natural sequence of mere silliness, under certain modifications, I am quite dubious; but, certainly, it could produce *effect*. I know that, by its instrumentality, business and common sense, nay, even truth and justice, have been blinked, and blinded, and overturned. A speech from the provincial throne is never questioned. In the Assembly there are no butts, called Ministers, against whom Opposition has a natural inclination to shoot a bolt. What falls from his Majesty's Representative falls, as it were, from heaven, immaculate; and, in faith, must needs be received as gospel. The speech all-courtly must needs have a courtly reply. The speech of his Majesty's Representative can thus become at once both butt and barbed hook, for "*the Honourable Gentlemen, and Gentlemen.*" In Upper Canada the opening speech invariably takes its fish. The poor fish generally plays about for a week or two of the session quiet enough. Then some little twist of the angler gives him pain. He flounces: he flounders; and, at last, perhaps, snapping the line, rather than be *taken in*, *takes* himself off to the tune of Yankee Doodle! My figurative language may not, perhaps, convey, rightly and completely, an idea of the meeting, sitting, and breaking up of the august Assembly of Upper Canada; but only three more words shall be wasted upon it, characteristic of the beginning, middle, and end: flattering—fighting—flying.

The session, opened with the speech from which the above extracts are taken, completely answered this description. Most gracious and courtly replies were made to the opening speech; but not one piece of business was adjusted which might not as well have been let alone, saving that the *fourth* resolution of the former session was passed, confirming the fact, that "subjects of the United States may lawfully come into, and settle in this province, hold land, and be entitled to all the privileges and immunities of natural-born subjects." For the last two or three weeks a most deadly feud went on between the Legislative Council and House of Assembly, the former maintaining that they had a right to alter and amend money bills: the latter denying this. His Honour the President, at last seeing that seed-time was coming on, and that Members of Parliament would be better employed at the plough than in Little York, "came in state to the Legislative Council Chamber, and being seated on the throne, the Gentleman Usher of the Black Rod was sent to require the attendance of the House of Assembly. His Honour was pleased to close the session with the following SPEECH."

"*Honourable Gentlemen, and Gentlemen,*

"When I called you together in obedience to the law, it was in full expectation that you would assiduously labour to bring up any arrear of public business.

"The ready pledge offered by your cordial addresses, in answer to my suggestions from the chair, confirmed me in that hope.

"I the more regret to have experienced disappointment, and finding no probability of any concert between the two houses, I come reluctantly to close the session, its business unfinished.

"I do most earnestly entreat you to weigh well, during the recess, the important effects of such a disunion, and that you may meet, resolved to conciliate and be useful."

Having sketched the general character of an Upper Canadian session of Parliament, and let the President tell for what good end it sat nearly two months, and then *run away*, (for, it must be known, that the above closing speech from the *chair*, was not delivered to a House, but only to part of a House) I shall now take on hand to make good my charges against the President's opening speech by calm and fair criticism—by exposure and proof.

On the subject of the two first paragraphs I have already dilated in ten pages, from page 405. My present concern with them will go only to mark the *manner* in which the people of Upper Canada have been humbugged (here this vulgar and odd-looking word must again be excused)—humbugged and bilked of their fair and well-authenticated claims for losses sustained in war, by deceitful slang. A stranger would, of course, suppose that when "the Prince Regent had been graciously pleased to devote," that he *devoted* something. It was known to all, save, perhaps, the Prince Regent, who probably knew nothing of the business;—it was known to all that nothing was devoted. It was known particularly to the Commons House of Assembly that their constituents

could get not one farthing from the confiscated estates, yet they returned thanks for "the gracious offer;" and afforded, up to this day, pretence for the treacherous, procrastinating mockery which has appeared in page 408.

The third paragraph, that which regards emigration, next comes to be considered. It sets before us these words: "His Majesty's Government having countenanced a migration," and, of course, means that countenance was *still* given, for the President recommends the House to "*consider of assisting the emigrants with means to defray the expense of location.*" Now, every word of this can be proved to be idle and worse than idle; untrue, deceitful, mean, and insulting. In using these words, I wish not a syllable to be construed as personal to the President who read them. Perhaps, even the writer of them did not think any thing of their import. I suppose the President, for the sake of charity, to be dreaming and acting with as much innocence as an automaton made to enter a church, and throw dirt about till the whole congregation flies from the worship. The speech of the President of Upper Canada is not a whit less indecent than would be such an exhibition; and a thousand times more mischievous. The automaton's performance might neither be indecent, nor without its merits, its good intention, or its very good effect. Were they worshippers of the Devil, every good Christian, would, *in this case*, not only find excuse for, but applaud the performance of the automaton. If they were hypocrites, pre-

tended worshippers of God, then it would be a hundred times more meritorious, and indecency itself would be out of the question, as it was when Christ overturned the tables of money-changers in the temple, and whipped out of it every one who dealt in filthy lucre. Having sufficiently worked up my picture for comparison, and strongly guarded against all idea of personal insult to the President of Upper Canada, I shall now make as free with his speech as I would think it my duty to do with the speech of a British Minister, for President, Lieutenant-Governor, or Governor-in-Chief of Canada can be considered as no other, in respect to free remark and censure of words and actions: nay, by the term which was applied to Herod, so expressive of the character of provincial governors in general, we are authorized to use the strongest figurative language when such men are to be spoken of and censured. I say, then, that every word of the passage quoted from the opening speech of the President of Upper Canada is idle and worse than idle; untrue, deceitful, mean, and insulting. When I first read this passage, it filled me instantly with disgust, and was a mean of changing the whole course of my conduct and fate. Let me now take it to pieces, and expose it, bit by bit; not for its own sake; not for any mischief that was occasioned by it; not as a passing matter; but as an illustration for general use, a corrective for future evil. Before any assertion is made, it is proper in every case to consider whether that assertion is true, and according as the assertion is de-

liberately and formally made, so much the greater care should be taken as to this most essential point. An assertion made from a throne should of all assertions be the most guarded, because the whole nation listens to it, confides in it, and regulates the most important concerns thereby. An assertion made from a provincial throne, as to any act or intention of the Supreme Government, rises in importance, should be particularly guarded, should be most minutely correct. The assertion with which the clause, now before us, extracted from the opening speech of the President of Upper Canada, commences, is not only untrue, but deceitful in many ways. His Majesty's Government certainly did countenance "migration" to Canada in the year 1815 to a certain extent; but we have any thing but proof that this countenance was continued. We afterwards found emigration to the Cape of Good Hope, &c. countenanced, but not to Canada. What I have stated with respect to the Perth settlement is indicative of Government having ceased to countenance emigration, having neglected that settlement, even as an experiment, having given it no fair trial, and soon after the date of the President's speech, the following articles appeared in Canada newspapers: in the Niagara Spectator, 26th March, 1818.

"The London Courier of 20th December*, says, 'Go-

* I find no such article in the paper alluded to. There must have been a mistake as to the Paper, or date. It matters not.

vernment will no longer give encouragement to persons who wish to proceed as settlers to his Majesty's dominions in North America, except to half-pay officers, or persons under peculiar circumstances; as many who went there the last two years were unable to cultivate the land allotted to them, and who are now in very great distress.'"

Then again, in the Montreal Herald of February 28, 1818.

"The public will remember, that in October last, Mr. Robert Gourlay, a gentleman lately from England, and a relation of the late Honourable Robert Hamilton, of Queenston, Upper Canada, addressed a Circular Letter to the Resident Landholders in Upper Canada, requiring such information from them as would enable him to compile a compendious Statistical Account of the Province, that its intrinsic value might be the better known to the Government at home, and to the public at large, for which purpose a copy of the said Address was forwarded to the Earl of Bathurst. But from recent intelligence, there is reason for believing that Mr. Gourlay's plan will not be countenanced by his Majesty's Ministers, although it would, in our opinion, be difficult to assign just motives for such conduct*."

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* *Continuation of the above Extract, in reference to other Matters.*

"We have noticed in the Upper Canada Journals several communications decidedly hostile to that Gentleman's designs; and were sorry to observe they were dictated more by personal hostility and the rancour of party spirit than by the force of sound reason. Mr. Gourlay was told, that being a stranger he was unfit for the task, and it was indecorous in him to meddle with public

These articles are in direct contradiction to the assertion of the speech; and no doubt they had

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affairs in the face of so many superiors; but the truth seems to be, he was found possessed of superior talents, and that was enough to get him enemies. In the midst of the newspaper contention, it should be noticed, that Mr. G.'s friends were also lavish enough of personal invective; but to dwell on this unprofitable topic is foreign to our purpose, and should never have been coupled with a subject so important in its nature. The plan of Mr. Gourlay was exceedingly laudable, as far as relates to an impartial description of the province, and to the encouragement of British subjects to settle in a country so inviting to the capitalist, the industrious farmer, and the mechanic. The Government at home have been unpardonably ignorant of the value of the Canadas, and, if the Provincial Governments have hitherto been backward in giving salutary advice to his Majesty's Ministers respecting the actual state of things, is this a reason why individuals should be reproached for devoting their time and talents, in disseminating important truths to our rulers in particular, and our fellow-subjects in general? Much has been said, for a year past, in the Upper Province, respecting who should or who should not be allowed to settle in the Canadas, on taking the oath of allegiance, and otherwise conforming to the acts of the British Parliament, passed in the 13th Geo. 2d, and 30th Geo. 3d. The first provides for foreign Protestants settling in the British Colonies, and the second freely admits the citizens of the United States into these provinces. Now, these Acts still remain in force, and the Americans have not (so far as we can learn) been admitted to settle as formerly, since the late peace with the United States, which has given great offence to their advocates, and it would appear with some reason; for the question is, can a governor, or person administering the government, suspend for a moment a solemn act of the Legislature in a time of profound peace? Without discussing the merits of this important question, we shall content ourselves with observing, that after the peace of

some foundation in truth. An assertion, such as that in the speech from the throne, should have

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1783, the chief British colonies became independent states, and that the act of 13 Geo. II. however laudable it may have been, when made, could not be applicable after the loss of the thirteen colonies. After that great event the act ought to have been repealed or amended; for it might have been foreseen, that those new and independent states would sooner or later be a source of uneasiness to the remaining colonies. But, instead of adopting any measure of precaution, seven years after an act was passed, inviting old offenders into the bosom of the community, and all that has occurred since, has been looked at with singular indifference by the legislature of the mother country. After the peace of Ghent, all the old acts relating to the settling of the British Colonies should have been repealed, and new ones substituted, better calculated for their common security; at the same time, giving full power to the Colonial legislatures to regulate the inland trade with the United States; to improve the internal condition of their respective provinces, and to give such assistance to new settlers from the mother country as might be deemed salutary.

"With such power in our hands, and moderate duties laid on our commodities, when landed in Britain, we think the North American Colonies can be rendered populous and flourishing without the indiscriminate introduction of American settlers. Such has been our opinion for many years, and so it will continue until we see some strong reason for its taking a different direction. But at the same time believing that a law exists, inviting the Americans to settle among us upon certain conditions, we should enter our protest against the government that would suspend it for an instant. If we have statutes and ordinances, let them be strictly acted upon; and if we have a constitution, let us enjoy it according to its true interpretation—let not a mockery be made of so true and sacred a deposit."

had direct authority from the home Government, and that authority should have been clearly stated, to make the after proposal of granting means for settlers be seriously taken into consideration. Had it been true, that a communication took place between the Home and Provincial Government; had it been true that the Home Government really wished to countenance migration to Canada, and had sent out instructions to solicit "*means*" out of the taxes of that country "to defray the expense of the location and grant of land," even in that case, the very manner of thus vaguely touching, or, rather hinting, at so important a matter, for emigrants, and for Canada, was trifling—most culpable trifling.

But, I have yet more to say upon the subject, taking it for granted that the assertion of the President was true. If it was so true that his Majesty's Government were countenancing migration, so as to justify the President in asking "*means*" from the Provincial Parliament, "to defray the expense of the location and grant of land," what excuse had this President for neglecting to give a civil answer to my brother's petition for land, regularly presented to him in Council, after taking the oath of allegiance, and paying fees? My brother wished no aid from the Provincial Parliament, "to defray the expense of his location and grant of land." He had crossed the ocean: he had left his native country: he had left an aged parent anxious for his health, and welfare in the world, to come out to Upper Canada; but, after

coming out,—after taking the oath of allegiance,—after paying fees, and presenting a respectful petition, he received insult in return, and, in a few weeks afterwards, had this speech from the throne of Canada to read, in aggravation of his insult. I shall never forget my feelings upon the first perusal of his Honour's opening speech. I had accidentally called at the Spectator printing-office, in Niagara, on the 12th February, 1818, just as the newspaper was going to be put to press. The Gazette had arrived that day from Little York, with the opening speech. The Editor handed me the Gazette, and asked if I had any thing to add to my Address to the Resident Land-owners of Upper Canada, which was now standing in type. On reading the speech from the throne, disgust took instant possession of my mind—"Yes," said I, to the Editor, "I shall add something to my Address:" and, getting pen, ink, and paper, dashed off, amidst the dirty implements of printing, these additional paragraphs.

"The people at home know nothing of this province. The Prince Regent never would insult its inhabitants by the offer of confiscated estates, to make good the claims of sufferers by war, did he know how little these will afford, and were he apprized of the truth, that, under good management, the public property of the province might not only defray every claim, but yield to England a handsome revenue.

"Gentlemen, the attention you paid to my first Address was most gratifying to me, but chiefly to be valued as an assurance that you are alive to your common in-

terests. The Reports of Townships which I have received, far exceed my first expectations, both in point of number and respectability. They exhibit, at once, the physical and moral worth of Canada: they form a mass of information well calculated to assist Parliamentary inquiry; and if you press such a measure by petitions, most willingly will I make these reports over to your Assembly. I never wished to have them for the mere purpose of book-making. I saw before me a great political end, honourable to myself, profitable to you, and glorious to the nation. This excited me to action, and most happy I was to find you willing to assist. Let us not cease to act: send in your petitions for inquiry: press for a commission to go home with the result; and publish this with your Township Reports in England.—This will break the spell which is sinking the province to poverty and disgrace: it will produce consequences every way splendid.

"The Governor-in-Chief tells the Parliament of Lower Canada, that "*should emigration continue, they might consider of selecting a few good farmers and labourers;*" and "by locating them judiciously, introduce *improved* husbandry." Our worthy President tells your Parliament to consider of paying "*the fees of location*" to emigrants. I have scarcely patience to read such stuff, and shorten it for you as much as possible. It could not be written by the honourable characters whose duty it was to read it. It must be the drivelling production of some half-starved clerk in London, that knows nothing of this country,—who neither feels nor cares for it.

"Gentlemen, this is the age of commerce, and I advise you to transact your own business. I advise you to correspond with your friends at home. I advise you to sweep your house, and in that case, it shall be furnished in style from England.

"I know hundreds of able farmers who would immediately come out here, were all as it should be: *men who*

would disdain being selected,—who would come with money in their hands, and please themselves as to *location:* men who would bring the poor under their wing, and keep them employed till they could not only pay *fees,* but purchase cultivated farms. I know some of the best and wealthiest farmers of England, who have gone, within the last year, to the United States on speculation. I know that you might draw every one of them here, if you would clear the house of vermin and filth. It is quite natural for us to keep up our connexion with home; but we cannot prefer a land of lice to a land of liberty.

"R. GOURLAY."

The speech of the Governor-in-Chief, above alluded to, had appeared in the Spectator of 5th February; and it will be worth while here to extract what related to agriculture and emigration.

"With respect to the agriculture of the province, (though still very defective) I have reason to believe it to be in an improving state, and I feel assured that you will afford every encouragement to its further advancement.

"Should the emigration from Europe continue, it might be a matter worthy of consideration how far it would be advisable to hold out some inducement to *a few* good farmers or labourers to settle in this province. If persons of this description were judiciously selected and located, their example would be useful in introducing an improved system of agriculture in this country."

I do not think it necessary to dwell on the extreme childishness of these clauses: but to shew still further how much more ridiculous, and con-

trary to all common sense and business rules, this Governor's schemes and practices went, I shall here insert a letter which I wrote to him, with the reply.

To His Excellency Sir John Sherbrooke,
&c. &c. &c. Quebec.

Queenston, Upper Canada, Sept. 14, 1817.

Sir,

I am a farmer from England, and have visited Canada, to ascertain how far it would be profitable to cultivate the land here.

On my first arrival, I went to the new settlement of Perth, on the Rideau, to make inquiries there, and had much attention shewn me by Captain Fowler. He intimated that I might have land granted me at Perth, but in no greater quantity than one hundred acres together. As this would not suit my views, having been accustomed to extensive operations, I then gave up thoughts of the matter; but it has since occurred, that as Government is particularly desirous of peopling that quarter, and much is expended in the accomplishment, a contract might be formed which might at once suit me and forward the wishes of Government. Captain Fowler informed me, that the settlement of Perth lay entirely under the direction of the military department, which has induced me directly to address myself to you. The question shortly is, would Government furnish land to any extent in proportion to the clearance made, buildings erected, and number of people settled, during a given time, allowing the farms to be regulated as to size, and the buildings to be placed as the contractor should incline?

You will excuse, I trust, the liberty now taken, and oblige me much by directing a reply to the post-office,

Queenston. If favourable, I should be happy to communicate more fully on the subject.

I have the honor to be,
Your's, respectfully,
ROBERT GOURLAY.

To Mr. Robert Gourlay, Queenston, Upper Canada.

Quebec, September 29, 1817.

Sir,

In answer to your letter of the 14th inst. addressed to the Commander of the Forces, I have received his Excellency's directions to acquaint you that it does not appear to him that the mode proposed by you of settling and clearing land on the Rideau, by contract, would be desirable. Land is granted at that settlement to emigrants from Britain, in proportion of one hundred acres to each man, and this quantity will be increased, according to the means and the industry of the settler, from time to time, and which will be ascertained by an inspection of the progress made on the first grant.

I am, Sir,
Your most obedient Servant,
(Signed) CHRISTOPHER MYERS,
Col. D. Q. M. Gen.

Can there be any thing more contemptible than what we here see, especially when considered along with Sir John Sherbrooke's speech, about the "*defective*" agriculture, and his assurance that the Parliament of the lower province "will afford every encouragement to its further advancement." What farmer of capital would engage with separate lots of 100 acres, or be dependent for an increase

of bounds to the caprice of inspecting officers? British farmers to be drilled into their business by military connoisseurs and taskmasters!!!

Contemptible, did I say? No: it is laughable; and poor as I am, nobody will deny me relief by laughing. My father, for 40 years, farmed his own land, and, without vanity being concerned, I may assert, was not surpassed as a persevering, spirited farmer and improver of land, by any man in Britain. I had, from my infancy, every advantage of seeing his extensive operations, studied agriculture two years under Dr. Coventry, in Edinburgh, travelled fifteen months in England, devoted to inquiry as to every thing connected with rural economy, occupied a farm in Fifeshire for six years, and a farm in Wiltshire for eight years. I, after all this tuition and experience, was driven out to Canada, by calamity which I could neither foresee nor prevent. Had I, with all this learning, practical knowledge, and experience, become a farmer of Upper Canada, I might now have been farming under the direction, inspection, and dread authority, of a military superintendant!!—*judge* of my merits, *arbiter* of my fortune, and *controuler* of my fame!!! Let me not laugh out of mere levity; let me laugh to make my readers serious—serious in reflecting upon the consequences which result from *old women* and *babes* being sent out to be governors-in-chief, and lieutenant-governors of Canada. Sir J. Sherbrooke trifled, as we see above:

Lord Dalhousie is now trifling with agricultural societies; and more wretched trifling still is going on at Little York, under the eye of the veriest of *babes:* not the *babe* of "mighty Wellington;" for he (*it* I mean), has fallen from that honour; but the *babe*, held in leading strings by the most contemptible of dominies. This day, *the tenth of September, one thousand, eight hundred, and twenty-one years*, I have received a packet from Upper Canada, containing a gazette and a pamphlet, published by "Order of the House of Assembly," each of them containing as much silliness as would require a large volume fully to illustrate. The Gazette, "by authority," is dated April 16, 1818, and gives a list of the ACTS passed last session of parliament, a parcel of rubbish; and, worse than rubbish, an ACT printed at length, regulating trade between Upper Canada and the United States of America. The pamphlet is the "FIRST REPORT *of the Select Committee appointed to take into consideration the internal resources of the province in its agriculture and resources, and the practicability and means of enlarging them; also, to consider of the expediency of granting encouragement to domestic manufactures.*" This Report is signed by "ROBERT NICHOL, chairman." It shows *cuteness*—penetration in little affairs; but, both this, and the Gazette, manifests silliness in wholesale, by leaving behind them the consideration of *first principles, sound positions*, and *common sense.* These Canadian documents do not stand alone. Every day, even in this country, we see silliness of the

same kind going forth in all directions clothed in gravity. I have actually stopped the press to throw in this paragraph, for the sole purpose of arresting attention—of arresting attention to what we, at home, have most serious concern with. At this time, when the people of England are sinking beneath an overload of taxation, it is indeed important for them to know, that full half a million of their money is flung away upon North American colonies, and that these colonies are only wasteful, because of *silliness*—because of being under the *governaunce* of *old women* and *babes*. I had intended to treat MR. ROBERT NICHOL with a place in my Appendix. I meant to have been mild and indulgent to him; but it will not do: it is duty to be severe. Ignorance and vanity must be put down at all events. We need not proceed a step till they are put down. I shall, then, exalt MR. ROBERT NICHOL to a higher place than first intended. He shall mount from No. 2 of the Appendix; and be exhibited more conspicuously in the text of this chapter, so appropriately headed PARLIAMENT, AND THE PEOPLE. Let what is now in the printer's hands go off, and then for MR. ROBERT NICHOL'S last session of the *silly* PARLIAMENT of Upper Canada, and still more *silly* REPORT OF THE SELECT COMMITTEE.

Captain Fowler actually offered me a thousand acres of land if I would settle at Perth; and on my objecting to the lots lying asunder. "O!" said he,

"that is more in your favour, as it becomes valuable from the efforts of the other settlers;" and here indeed is the secret. It answers very well, indeed, for half-pay officers to get their 500, their 700, and their 1000 acres so located; because not one in ten of them ever cultivate their land, and if not intermixed with the farms of the poor settlers, it would never bring them a farthing. The officers let their land lie waste in lots of 100 acres or 200 acres all over the country in this way, till, by the efforts of the industrious, it fetches money to them, the drones. This is the way that Canada has been impoverished, first and last; and yet the trashy speeches from the throne go on, year after year, insulting common sense. Lord Dalhousie, the present governor-in-chief, has been trifling with agricultural societies and stuff of this sort, for years, both in Nova Scotia and Canada; while the great obstacles to improvement are untouched,—while clergy reserves, and lands gifted away to drones, render improvement almost hopeless. In his opening speech of last winter, 1820—21, to the Parliament of Lower Canada, the governor-in-chief said:

"The settlement of the waste lands is a subject to which I feel it my duty to point your attention in a particular manner. The great tide of emigration to these provinces promises to continue, and the experience of several years has shewn the want of some measure to regulate, and give effect to this growing strength. Many of these people arrive in poverty and sickness, many also with abundant means, but the settlement of both descriptions is impeded by the want of legislative aid."

Now, what legislative aid does he want? His provincial parliament cannot do the needful—cannot get quit of a seventh part of lumber land, set aside for supporting a Protestant clergy, in a country where nine-tenths of the people are Roman Catholics, and quite willing to pay their clergy without government interference. Can there be any-thing so monstrous as to bore the French of Lower Canada with *Reserves* for a *Protestant Clergy?* No legislative aid but that of the British parliament can set aside this curse: no legislative aid but that of the British parliament can check the governors, themselves, from marring improvement by gifting away land, in all directions, to good-for-nothing favourites and sycophants.

I have instanced my brother's ill-treatment, which was manifested at the very time that President Smith was suggesting a vote of money to pay fees for emigrants into the land offices. He had not, I am convinced, a single atom of hope that the thing could ever be thought of for a moment by the Assembly. The very idea was ridiculous; but it went to make believe that emigrants wanted such relief; whereas their great want was ready service on the part of the Land Council, and land in situations where it was possible to clear it. At this very time, when money was asked from parliament, hundreds of emigrants were going from the Province from the mere sloth and indifference of men paid salaries to give attention to business in the land-granting department.

It was by the merest accident that I remained

another week at Queenston; and that week determined a much longer stay. During that week, seriously reflecting on the usage which both I and my brother had experienced, I resolved to throw before the public a correspondence which I had carried on for near three months, with the folks of Little York, without getting the smallest satisfaction. I resolved calmly to address the President when exhibiting these letters, but several incidents occurred which really put me out of all temper towards the end of my epistle. It was now notorious that the parson of Little York had been using every effort to mar the purpose of my first address to the resident land-holders. I found other beside the Niagara Report withheld after preparation, and I had not a doubt but he had been the cause of my brother's denial of land. At this moment, when he was flying in the face of the very best interests of the province, and neglecting his duties at the Land Board, for which he was paid;—at this time, when all should have been business in the capital, he advertised, in the style of a store-keeper, that the *subscriber* would lecture on philosophy, *to get the school-house painted!* My second address, too, I found was to have serious opposition, notwithstanding the great authority of Dickson in its favour. A half-pay major was my opponent; but he was evidently set on by some one deeper than himself. He carried to the Spectator Office two letters; one written by himself, weak in the extreme; another, anonymous, by a different hand, malignant and ungentlemanly. Having

seen these letters accidentally, I apprized the major that it was not fair to attack *motives*, and begged of him to withdraw so far, as that was illiberal. He was obstinate, however; and it was not for me to let the cat's-paw of a villain escape with impunity; and none but a villain would have written the anonymous letter. To be accused of improper motives, in writing my second address, was accusation of crime of the deepest dye—of treason. It could not be less, if my motives were impure; which they were as opposite from as day from night. If it cost me another week's delay, I was fully resolved to defend the ground which I had taken in so dread a question as that of allegiance. While my letter to the President was yet unfinished,—while the parson's busy malice, and the major's unwarrantable and low suspicions, were together on my mind, a letter from my wife arrived from England, stating circumstances of the most serious import, and expressing such fears for my safety, as threw me into an absolute fever of care, perplexity, and feeling. I ought to have been in England by the first of October; but two months ailment had first detained me. A month after that was spent in recovering health, on an excursion in the United States. The statistical inquiries next caused delay, then Dickson's politics, and now, war. In a tumult of feeling,—in a paroxysm, I sat down to finish my letter to the President. I thought of my wife's anxiety—I thought of hundreds of emigrants who had been vexed and disappointed, and torn to pieces, by the vile,

loathsome, and lazy vermin of Little York. I attacked the whole swarm, and flung into my letter an extract from that of my beloved and distressed wife. The bolt was discharged, and kindled unextinguishable flame. Little York! Little York on fire!!! Dickson and Clark, misjudging the warmest impulses of a convulsed heart, deserted my cause in the capital, and went, sneaking, forsooth, to the President to make an apology—to the President, whose speech was so matted with meanness and mischief! Clark wrote me to get out of the Province by a by-path. That was too much: it caused a revulsion: completely righted my bark, in the public mind; and even brought back my friend Clark to temper. I was attacked. I had to defend; and a controversy of two months ensued. My constant aim was *inquiry into the state of the province*. Without that, the province, I saw, was nothing. I was right: it is nothing: it yet remains worse than nothing,—a sink of all that is vile. Though I offered to appear at the bar of parliament, and sent up petitions for presentation to parliament, nobody would "*father*" these. The conscript-fathers had not courage; but a motion was at last made for inquiry in the Commons House of Assembly. A committee was appointed, with power "to send for papers and persons:" but alas! all hope was soon over. The feud above spoken of broke out between the Assembly and Legislative Council, and nothing more could be done. After two or three weeks of strife between peers and commons, *we, the people* of Niagara,

heard a round of great guns go off in the direction of York. It was immediately conjectured that parliament was broken up. It was the first of April, and the people said that, the *fools* had been dismissed on their own proper day.

On the 2nd, our Councillors and Assembly-men arrived in a vessel at Niagara. I immediately waited on William Dickson, and found him full of the dispute with the Assembly. The Legislative Council had insisted on *altering* money bills. The Commons stiffly resisted this; and neither would yield. Dickson said, "What! shall we allow bills to come up to us with bad spelling and bad grammar, and not alter them? No: it would never do to disgrace the statute book in this way." He had submitted to the Legislative Council certain resolutions, which, he said, breathed the true spirit of that august body; but, the pawkie Chief Justice had got something more smooth and soothing substituted. Dickson gave me a copy of his resolutions to publish, but under promise to make no remarks upon them; which I shall observe even now. They run as follows:

Resolved, That this House, as the Legislative Council of Upper Canada, constituted under the Act of the British Parliament, are disinclined to believe that an assumption on their part of powers, privileges, customs, and authorities of the House of Lords, would be warranted either by the letter or spirit of our constitution. Some constructive analogies may apply; but being circumscribed within a rule of action and consequent deliberation thereon, it is enough for this House not to presume either to know the

usage, practice of law or Parliament, and can derive no fixed rule of conduct from such. This House looks solely to the character by which it exists, and in vain they search therein for undoubted, inherent, and exclusive right in a co-ordinate body, created by the same Act.

Simple assent to, or total rejection of bills, would in practice be productive of incalculable evils in delay and embarrassment, destructive to the best interests of this colony. By assenting to bills, which their judgment and reason are at variance with, would be a sacrifice of duty and principle. *Total rejection* would close up all avenues to information, motives, accommodation, and assimilation, so necessary to the enacting of salutary laws.

Without amendments or conferences, hitherto refused as a middle course, incongruities, inaccuracies, and undigested matter would appear in the statute book: but as an evidence of a conciliatory disposition and a sincere regard for the best interests of this province, on the part of this House, they have ever been satisfied with such amendments coming in the form of a new bill, and in all instances these amendments have ever had a tendency to alleviate instead of imposing any burdens or impositions on the people, and as a co-ordinate body constitutionally interpose, when they, in their deliberations, believe that appropriations of a useless, lavish, or inconsiderate nature, may pass into a law; or when the true interests of these provinces may be sacrificed by a system of policy beneficial to a foreign government, and adverse to the commerce and navigation of our mother country.

As a corroboratory to these resolutions, and in the true spirit of mutual accommodation, this House will forbear to initiate any money bills, or impositions, or burdens on the people of this province, as well as appropriations, but cannot pledge themselves, or those who may hereafter sit in this House, to forbear constitutionally interposing by

amending or altering the same, when in their judgment such burdens, impositions, or appropriations have a tendency to diminish the wealth, industry, and happiness of the inhabitants of this colony, in the welfare, peace and good government whereof, the individual members and their posterity are so inseparably knit and connected!!!!!!!!

As I promised to make no remarks on these Resolutions, so I shall very faithfully adhere to my promise; and leave remarks to be made by others.

Mr. M'Donell, the President's brother-in-law, was with Dickson: he gave me a copy of the speech from the chair, and told me that there had not been a sufficient number of the Members of Assembly present when that speech was delivered. I afterwards inquired of a Member of the Honourable House how this stood. "Oh!" said he, "we meant it: we delivered an address to the President, to be sent home to the throne, and left York that he might not get it returned to us!!"* The fact is, it might be said, that the Commons *deserted*, the President *abdicated*, and the Peers *rebelled*.—That, in short, the country was without a government.

Mr. M'Donell, was for some years Speaker of the House of Assembly; and being the President's brother-in-law, was, of course, a respectable authority. He agreed with Dickson, that his Resolutions expressed the true meaning of the Legislative Council, whatever might appear from the Resolutions really adopted, and communicated to

* This address will be found in Appendix, No. 2.

the Commons House of Assembly. The Resolutions I shall here insert, with other matter, from the newspaper publication of the day.

HOUSE OF ASSEMBLY.

March 24th, 1818.

Mr. Nelles, of the Committee to deliver to his Honour the Administrator the Address of this House on the subject of contingent expences, reported they had done so.

Agreeable to the order of the day, the House went into Committee on the State of the Province.

Mr. M'Cormick, in the Chair.

The House resumed.

Mr. M'Cormick reported the following Resolutions, which were adopted:—

1st, *Resolved*,—That it is the opinion of this Committee that the communication made by Lieutenant-Governor Gore, during the last session of Parliament, to this House, of his Majesty's government having withheld the usual means of supply for the excess of the expenditure incurred in support of the Civil Administration of this Province, over and above the annual Parliamentary grant of the United Kingdom for their service, and his recommendation that this exigence should be provided for before any other appropriation of the Provincial revenue should be made, imperatively calls upon this House to examine into the means possessed of by this Province to comply with his Majesty's royal wishes, to consider how far it will affect its local indispensable wants, its operation upon the true interests of the country, in its present infant state, and the expediency of minute investigation into the physical resources of the Province, hitherto not called into action; and lastly, how far the present system of civil policy, and arrangements of the executive department, in their various

bearings, are calculated to unite in their consequences the growth, welfare, prosperity, and relative political importance of this Colony, with the true interests, honour, and advantage of the British empire.

Mr. Jones moved, that Messrs. Durand, Van Koughnett, Hall, and M'Martin be a select Committee, to examine and report upon the detailed accounts of the expenditure of the money granted to his Majesty in the 56th year of his Majesty's reign, by an Act entituled, "an Act granting to his Majesty a sum of money towards defraying the expences of the civil administration of the government of this Province; also, to examine and report upon the detailed account of the expenditure of the money granted to his Majesty last session of Parliament, by an Act entituled, "an Act granting to his Majesty a sum of money for certain purposes therein mentioned;" which was ordered.

Mr. Boulton, Master in Chancery, brought down from the honourable the Legislative Council a Resolution, which he delivered to the Speaker; and having withdrawn, it was read as follows:—

The honourable Legislative Council, on consideration of the Resolutions of the House of Assembly, delivered at the bar of this House by two of its members,

Resolved,—That the Legislative Council and House of Assembly of the Province of Upper Canada are co-ordinate branches of a limited legislature, constituted by the statute enacted in the 31st year of his Majesty's reign.

That all powers, immunities, and privileges of either branch are derived from the statute, and extend to their respective advice and consent to his Majesty to make laws, not repugnant to that Act, for the peace, welfare, and good government of the Province.

That by adopting the order and course of proceeding to advise and consent to laws, this House does not assume the power, authority, and privileges of the Upper House

of Parliament, grown out of the practice of ages, and unsuitable to the circumstances of this colony.

That the House of Assembly, adopting as its type the Commons House of Parliament, and claiming all the powers, immunities, and privileges thereof, is not justified by the words or spirit of its constitution more than the Legislative Council would be justified to assume for itself and its members the powers, immunities, and privileges of the Upper House of Parliament.

That the origin of all supplies in either House, or exclusively in the House of Assembly, must be indifferent, so long as either House retains the power of rejection; that the exercise of the right to amend an original bill, is equally indifferent, except that without the exercise of that right, or the resort to amicable conferences between the two Houses, time is wasted, and the public service delayed.

That the House of Assembly did, by resolutions delivered at the bar of this House, declare that it would not accede to any conference on the subject of a money bill.

That the amendments made to the bill entituled, "An Act to make further Provision for regulating the Trade between this Province and the United States of America," by the Legislative Council, were to conform to a national regulation of trade imparted to both Houses by his Majesty's Government, to reduce the burden of the people, of whom the individuals of this House are a part, only distinguished by the duty imposed upon them, in their legislative capacity, to protect, defend, and support the interest of the whole.

That having no means of interchanging opinion with the House of Assembly but by way of conference or amendments, the Legislative Council does not consider it reasonable that such amendments should be treated as a

breach of privilege, and that having declared, by its resolutions transmitted to the House of Assembly, that it would forbear amendments to money bills, such resolutions ought to afford reasonable satisfaction to that House, (even if its privilege had been violated) and restore the course and harmony of proceeding in the public business.

That these resolutions be communicated by the proper officer of this House to the House of Assembly, and that the same, together with the resolutions of the House of Assembly of the 19th and 23d instant, delivered at the bar of this House, and the first resolution of this House thereupon, be printed.

Legislative Council Chamber,
24th March, 1818.

Mr. Jones moved, that the House do on to-morrow resolve itself into a committee of the whole House, to take into consideration the resolutions of the Honourable the Legislative Council, communicated to this House this day—which was ordered.—*Adjourned**.

That Dickson had a chief hand in this squabble between the Peers and Commons of Upper Canada, I have not the slightest doubt, as it was quite in character for him to be *great* and presumptuous. The Dominie of Little York had thought the Legislative Councillors wrong, in attempting to encroach on the privileges of the Commons; and to this hour I see, in imagination, Dickson storming against him, and with his mouth screwed

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* For other documents connected with this interesting *squabble*, see Appendix, No. 2.

up, to mimic the Aberdeen brogue, repeating the Dominie's words, " they're *wraung*—they're *wraung*."

Upon returning to my lodgings, I wrote a third Address to the Resident Land-owners of Upper Canada, advising them to choose Representatives to meet in convention; subscribe, every man a dollar, and send home a Commission to entreat enquiry into the state of the province.

The first meeting was held at Niagara, a Member of Assembly in the chair; and this meeting having chosen a Committee of Management, every thing went quietly and peaceably on till Councillor Dickson instigated Councillor Clark to raise the cry of sedition; and, strange to say, Clark, who but a few days before shook me by the hand, not only alarmed the country with insinuations against my public measures, but read from a paper, at a public meeting, the grossest attack upon my private credit and character. I have mentioned this before, and I mention it again, as a most extraordinary instance of that fury and fanaticism (I cannot find a right word for my meaning), which could make a man like Clark, naturally good-hearted and sensible, forget common decency, friendship, and faith, in a gust of political zeal blown up by such a jumble-brain as Dickson. Even Dickson himself seemed in good humour, and free of all low suspicion for more than a week after my third address to the resident land-owners was published, advising the people to meet in convention, and send home a commission. I carried

to him the proof sheet, and made a small correction to humour him. He joked about sending his black servant to the first Niagara meeting, and I returned the joke, by assuring him that the black servant with a dollar in his hand, should be considered as good a man as himself: and now, truly, I would not put them in comparison, to the honour of the black outside, be it spoken. Had these two men, Clark and Dickson, behaved to me with singleness of heart, and steadiness of purpose; had they assisted in carrying into execution the objects of my *third* address, as keenly as Dickson commended my *second*, which proposed the very same end, viz. a submission to the British parliament of the whole affairs of Upper Canada, what blessed consequences might now have resulted! I know that my plans, executed, would have enriched these very individuals: but we know not what, ultimately, may be best.

Niagara district was completely and almost instantaneously organized under my plan. A pamphlet was printed, setting forth, *principles* and *proceedings*. As soon as this was printed, four persons were dispatched on horseback to lodge it for sale and distribution through different quarters of the province. One person went out to the Western district, one to the London district, one to Gore, and one to Newcastle and the Home districts. I, myself, having, all along, had it in contemplation to complete my tour of the province, by visiting certain parts north and east of Lake Ontario, took on hand to spread the pamphlet in these parts.

Crossing Lake Ontario, to Kingston, I found an attorney, who very completely did the business of the Midland district. I travelled to the extreme point of the Eastern district in a waggon, and thence over to the district of Ottawa on horseback, so as to do every thing in good time: and never, perhaps, were the people of so extensive a tract so speedily roused up and organized—a tract nearly 600 miles in length. In the Districts where my writings had been circulated by newspapers, viz. Niagara, Gore, and the Midland districts, the organization was complete, and the full number of Representatives returned to the Convention.

In the other districts, the people, not being equally well-informed, and being deceived by the enemies of inquiry, were not so unanimous. The returns to the Convention stood as follows:

Niagara district	full	4 members	
Gore do.	do.	2 do.	
Midland do.	do.	5 do.	
Newcastle do.	do.	1 do.	
Johnstown do.		1 do.	short 1
London do.		1 do.	do. 1
Western do.		1 do.	do. 2
Home do.		0	do. 1
Eastern do.		0	do. 4
Ottawa do.		0	do. 1
		15	10

The leading people of Ottawa district declined sending a member to the Convention because of the extreme distance from York; but,

they agreed to support measures by subscribing money to support the cause in equal proportion to other districts.

The London district, which contains some of the most spirited people in the province, would have mustered well, but for efforts made against the cause by Colonel Talbot and his surveyor, Colonel Burwell; for which the people have little to thank them. Little York kept down the poor people of the Home district; and the Dominie of York, with his fellow-labourer, the priest of Augusta, kindled up into madness the fanatics of Cornwall.

On the day of the general election, the 6th of June, 1818, I was at Johnstown, on my return to Kingston. To avoid all concern in the affair, I hired a horse, and spent the whole of that day surveying the country backwards towards Spencer's Mill, Grant's Mill, and into the township of Oxford, with a view of ascertaining the levels of the country in connexion with the St. Lawrence navigation, and its junctions.

In my General Introduction, I have stated that I advised the Convention to refer its cause to the Lieutenant-Governor and General Assembly, who wofully misused our trust; and, enacted a law to prevent, in future, all meetings by deputy!! But this will not do: the people of Upper Canada will, in a few years, get out of every treacherous snare: they will shake from their limbs every fetter which their base Representatives have hung round them.

To shew what was the spirit of the people

while acting free of unworthy terror or base sycophancy, I shall here introduce the pamphlet of *Principles* and *Proceedings*—together with Minutes of the various regular meetings which took place throughout the province. These will not be destitute of interest, as part of the history of Upper Canada. They will evince the genuine spirit of the people. They will demonstrate how readily—how peaceably—how effectually men may unite for their common interests, while yet in possession of natural and just rights.

As to my advising the people to choose Representatives to meet in Convention, and send home a commission for inquiry, it was the thought of a moment. My third address to the resident landowners of Upper Canada was written at a down-sitting, without the smallest premeditation, immediately after hearing Dickson's account of the rupture between the Legislative Council and Assembly. In writing this address, my intentions were as distant from any thing seditious as heaven is distant from hell; yet this address was the mean of subjecting me to trials, persecution, and misfortune, altogether without parallel—and altogether springing out of the selfish, guilty, and gloomy soul of William Dickson.

My intentions are such as can yet be made clear —intentions not only pure but exalted; at once devoid of selfishness, and big with benevolence—intentions which may yet be realized in the accomplishment of infinite good to my country and fellow men.

PRINCIPLES AND PROCEEDINGS

OF THE

INHABITANTS

OF THE

DISTRICT OF NIAGARA,

FOR ADDRESSING

HIS ROYAL HIGHNESS THE PRINCE REGENT

RESPECTING

CLAIMS OF SUFFERERS IN WAR,

LANDS TO MILITIAMEN,

AND THE GENERAL BENEFIT

OF

UPPER CANADA.

PRINTED

AT THE NIAGARA SPECTATOR OFFICE.

1818.

Price—One Shilling, Halifax.

TO

THE INHABITANTS OF UPPER CANADA.

St. Catharine's, District of Niagara, 5th May, 1818.

Friends and Fellow Subjects!

We lay before you the Principles and Proceedings of the People of this District, and example being better than precept, we have now only earnestly to entreat you to join in the cause. You will here find that we have been opposed, but opposition has strengthened us. It would swell too much this little Publication to give a List of Subscribers, but, they will be found week after week, in the Niagara Spectator, as room will admit. They already amount to upwards of nine hundred, and are daily increasing. Many have waited for the Address, which is only this day prepared, and will be found below.

ROBERT HAMILTON,
WILLIAM ROBERTSON,
CYRUS SUMNER,
JOHN CLARK,
} Representatives for the District of Niagara.

A true Copy.

WILLIAM J. KERR, Secretary.

To the Resident Land-Owners of Upper Canada.

Niagara, April 2d, 1818.

Gentlemen,

Your Parliament is broken up!—a second time broken up, from employment of the most vital import to the honor and well-being of the province!!—Good God! what is to be the end of all this?

For my own part, Gentlemen, *I had little hope of satisfaction from the sitting of Parliament, after perusing the Administrator's speech from the throne; and this little was entirely extinguished with the disgusting reply made to that speech by your Representatives.* That a man who had spent the best part of his life in Upper Canada,—whose every interest and affection rested here, should even *read* a speech, not only containing mean sentiments, but notifying a measure provoking in the extreme to the feelings of a large body of his suffering countrymen, was indeed heart-sickening: yet this was not all:—what could we expect—what sensation could swell in our breasts, when we found men, employed and *paid* by these very sufferers to guide their affairs and watch over their interests, bowing down to kiss the rod of affliction, and, in return for a most insulting offer, granting a receipt in full for demands, equally just and well authenticated?

Gracious heaven! Did we, the offspring of early civilization—the first hope of genuine liberty—the favoured wards of divine revelation, come to this new world, only to witness the degradation of our kind, and be humbled beneath the rude savage who ranges the desert woods? Surely, British blood, when it has ebbed to its lowest mark, will learn to flow again, and, yet sustain, on its rising tide, that

generous—that noble—that manly spirit, which first called forth applause from the admiring world.

It has been my fate to rest here nearly two months, viewing at a distance the scene of folly and confusion,—by turns serious, and by turns jocular, that the serious might not sink into the melancholy. I have advised—I have in duty offered services, but in vain: on went the sport, till yesterday, when the cannon announced to us that the play was over; and now we have the second speech of the Administrator, who has appropriately sunk down from the throne to the chair!

Gentlemen, *the constitution of this province is in danger, and all the blessings of social compact are running to waste. For three years the laws have been thwarted, and set aside by executive power;—for three sessions have your Legislators sat in Assembly, and given sanction to the monstrous—the hideous, abuse.* A worthy catastrophe has closed this farce of government;—your Commons and your Peers have quarrelled, and, the latter would assert, that the constitutional charter of Canada may be trifled with. What is to be done? Do you expect any thing from a new Governor?—you will be disappointed. Do you expect any thing from a new set of Representatives?—here again you will be deceived. Your Members of Assembly are now at home: compare their characters with those around them, and you will find them equally honest—equally wise—equally independent. Now that they are returned to society, as private individuals, I should be the very last man to call in question their worth or their probity: they are probably every way above par. It is not the men, it is the *system* which blasts every hope of good; and, till the system is overturned, it is vain to expect any thing of value from *change* of Representatives, or, Governors.

It has been the cant of time immemorial to make mystery of the art of Government. The folly of the million,

and the cunning of the few in power, have equally strengthened the reigning belief; but, it is false, deceitful, and ruinous. The people of every nation may at any time put down, either domestic tyranny or abuse,—they may, at any time, lay a simple foundation for public prosperity: they have only to be honest, and, in their honesty, bold.

In my last address to you, I said that the British constitution was "that beautiful contrivance by which the people, when perfectly virtuous, shall become all-powerful." Did you mark these words?—did you weigh them?—they are as important as they are true. We, of all men, have least to oppose us in correcting the errors of our constitution. The British constitution has provided for its own improvement, in peace and quietness; it has given us the right of petitioning the Prince or Parliament; and, this right, exercised *in a proper manner*, is competent to satisfy every virtuous desire.

My present purpose is not to dwell on theory; but to recommend and set example in the practice of using this glorious privilege. As individuals, we have a right to petition the Prince or Parliament of Britain: and we have a right to meet for this purpose in collective bodies. My proposal now is, that a meeting be forthwith held in each organized township throughout the province. I shall take upon me to name the day for the meeting of the people of this township of Niagara; and say, that on Monday next, the 13th inst. I shall be ready by 12 o'clock noon, at Mr. James Rogers' coffee-house, to proceed to business with whoever is inclined to join me. The people of each township should, I conceive, at meeting, choose a Representative and Clerk. The Representatives should assemble from the several townships, within each district, on an appointed day, to draw up a petition to the Prince Regent: and, which could, soon after, be got signed by every well wisher to the cause.

The district meetings should, without delay, hold con-

ference by representatives, each respectively choosing one, to meet in a provincial convention, and who should arrange the whole business, dispatch commissioners to England with the petitions, and hold correspondence with them, as well as with the supreme government. Two or three commissioners would suffice; and the necessary cost of carrying the whole ably and respectably into effect, would require but a trifling contribution from each petitioner. It is not going out of bounds to reckon on ten thousand petitioners, and a dollar from each would make up a sum adequate for every charge. I should recommend the subscriptions and payments to commence at the first township meetings; the money to be paid to the clerks, who should keep in hand one-seventh for local and incidental disbursements, and pay over the remainder to a treasurer, to be appointed in each district, by the representatives, at their first meeting. Beyond making choice of representatives and clerks, the less that is done at township meetings the better: debate, of all things, should be avoided. The clerks should minute transactions, and keep a list of subscribers, which should immediately be published in the nearest newspaper within the province, and week after week in the same manner, should be reported, additions. The public would thus, at once, see the strength and growth of the cause, as well as have vouchers for the payment of cash. Every transaction should be plain, downright, and open to view or inspection,—every principle should be declared—every proceeding be made known.

The simplicity of all this, and the ease with which it may be accomplished, is obvious: to go into more minute detail, at present, would be wasting time. No man, by joining the cause, can lose more than a dollar, and no responsibility whatever is incurred. As I take upon me to name the day of meeting for this township of Niagara, so that meeting may appoint days for the meetings of other

townships, and, for the district meeting; seeing, that it can be matter of no consequence who settles such points, provided the business, thereby, has a fair chance of commencement, and that the whole system of petitioning may proceed without doubt or delay. No man upon such solemn occasion should say, "I am greater than another, and will not be seen acting with him:" no one should say, "I am less, and therefore presume not to set myself forward." On such an occasion, and under such circumstances as the present, every party, and every personal prejudice, should be put down, every eye should be resolutely bent on the one thing needful—a radical change of system in the Government of Upper Canada.

I address myself particularly to land-owners, because their interests are most deeply involved; but every man resident in Canada—every man who is a lover of peace—who desires to see this country independent of the United States—who desires to see a worthy connexion maintained between this province and Britain;—every man, in short, who has a spark of sincerity or patriotism in his soul, has now sufficient cause to bestir himself.

There was a time when Israel was famished with intense drought. Day after day, and week after week, the uncovered sun rose, only to frighten the nation, and open more wide the yawning fissures of the scorched earth:—there was yet however faith in Israel; and the faith of a few brought, at last, salvation to the expiring multitude. Let not the ancient record be lost to these modern days; let not the signs and figures of the material world be thrown aside as vain emblems, illustrations, and manifestations of the will, the power, and the goodness of God. He never deserts his creatures while they are true to themselves and faithful to him,—while they honourably put to use the divine gifts of rationality. The course to be pursued by the people of this province, at the present juncture, is so clear, that he who runs may read: they have only to put

trust in the success of their own virtuous endeavours; and, success will as surely follow, as day succeeds to night—yes, worthy inhabitants of this township of Niagara, you may begin the necessary work with confidence:—the little cloud which rose from the horizon, at first no bigger than a man's hand, gradually expanded—mantled over the relentless face of a burning sky, and at last showered down refreshment on the thirsty land.

The good which may result, not only to this province, but to the general cause of truth, should these proposals be *cheerfully* and *alertly* adopted, surpasses all calculation. It would be needless for me now to descant on the subject. If there is really no public spirit in the country, I have already thrown away too much of my time: if there is, let it now be shown, for never was occasion more urgent. If the people of Canada do not *now* rouse themselves, they may indeed have plenty whereon to exist; but to that "righteousness which exalteth a nation," they will have no claim. The farmer may plod over his fields,—the merchant may sit, drowsy and dull, in his store; but the life, the vigour, the felicities of a prosperous and happy people will not be seen in the land:—the superiority of public management in the United States will bother all hope of competition: America will flourish, while Canada sinks into comparative decay; and another war will not only bring with it waste and destruction, but ignominious defeat.

In the scheme proposed I will accept of no appointment; but persons acting in it shall have my utmost assistance, and I shall make clear to them every course to be pursued. As soon as matters come to a head, all information, collected by me, shall be at the disposal of the Commissioners; and even better consequences may be expected from this popular movement, than any that could have followed from the parliamentary inquiry, had that been allowed to proceed. It will shew, that though the

rights of Parliament may be trifled with, those of the people of Upper Canada are not so easily to be set at defiance.

The Assembly of the Lower Province is to petition the British Parliament as to their trade: your representatives are to petition the Regent as to their privileges: when I found my petition set aside and despised at York, I dispatched one immediately to be presented to the House of Commons in England, to call attention there, to Canadian affairs:—all this will go for little, if something else is not done. You have read in the newspapers of my scheme having been discountenanced by Ministers at home: you have read of speculations upon making the best bargain with the United States for these provinces. I know whence all this proceeds: I know what would open the eyes of the people and Government at home to the true value of the Canadas, and put an end to such unnatural—such disgusting surmises; and all this I shall be happy to explain, as soon as explanation can be useful. One thing I am very sure of, that if the people of Canada will only do their duty as honest men, and as brothers, in unity, not only every just claim may be paid by next Christmas, but a foundation may be laid for this province becoming speedily the most flourishing and secure spot on the habitable globe.

ROBERT GOURLAY.

Niagara, April 13, 1818.

WHICH day a numerous meeting of the inhabitants of the township of Niagara, having been held at the house of JAMES ROGERS, and DAVID SECORD, Esq. M. P. being called to the chair, the Address of Mr. Gourlay to the Resident Land-owners of Upper Canada, dated April 2d, 1818, was read over, and its whole tenor and senti-

ments unanimously approved of. In conformity to the recommendations therein contained, the meeting proceeded to elect a representative and clerk, when *Robert Hamilton*, of Queenston, Esquire, was appointed to fill the former situation, and *John Ross*, of Niagara, Esquire, the latter. A committee also was appointed to forward the views of the meeting, viz. *Timothy Street*, *John Hagan*, *Wm. G. Hepburne*, and *Robert Moore*, Esquires.

Monday, 20th of this present month, was named as a proper day for the meetings of other townships within the district of Niagara, and Monday 27th for the meeting of the representatives from the various townships, to be held at SHIPMAN'S Tavern, St. Catharine; the Committee duly to advertise the same, and take such steps as to them shall appear requisite for furthering the good cause.

The thanks of the meeting were then unanimously voted to David Secord, Esq. for his public spirit in coming forward, on this occasion, and liberally fulfilling the duties of the Chair. (See, further, Appendix, No. 3, and A.)

DAVID SECORD, *Chairman.*

A true Copy, JOHN ROSS, *Clerk.*

TO THE PUBLIC.

IT having been stated to me, by some of my friends, that the public mind was impressed with the idea of my having participated in, and sanctioned the recent improper and unwarrantable publications of Mr. Robert Gourlay, I conceive it a duty which I owe to the Government, to the province, and to myself, to declare, that beyond publishing a statistical report of this province, he had neither my approbation nor my countenance.

In making this declaration, I trust that the tenor of my life justifies my asserting that factious discontent never originated in my breast. Having said this much in vindica-

tion of my own sentiments, I shall, in order to prevent error in, and rescue from distress the heedless proselytes of Mr. Gourlay's "one thing needful—viz. a radical "change of system in the government of Upper Canada," transcribe, for their information, an extract from the common law of the British Empire, which bears on the point of unlawful meetings or conventions, viz. "The constitu- "tion of Great Britain having placed the representation "of the nation, and the expression of the national will, in "the Parliament, no other meeting or convention, even of "every individual in the kingdom, would be a competent "organ to express that will; and meetings of such a "nature, tending merely to sedition, and to delude the "people into an imaginary assertion of rights, which they "had before delegated to their representatives in Parlia- "ment, could only tend to introduce anarchy and confu- "sion, and to overturn every settled principle of Govern- "ment." An act of Parliament was passed in Ireland, in the year 1793, to prevent any such meetings or conventions; and a few ignorant individuals, who in the same year had dared to assemble under that title in Scotland, were quickly dispersed, and their leaders convicted of seditious practices; for which they were sentenced to transportation.

I shall conclude with recommending to all, to weigh well how they attend to visionary enthusiasts.

THOMAS CLARK.

Niagara, April 18, 1818.

PUBLIC NOTICE.

In consequence of a handbill having this day appeared, signed by the Honourable Thomas Clark, of the Legislative Council, in which an attempt is made to stigmatize the principles adopted by the Niagara meeting, the Committee,

appointed by that meeting, recommend the people of other townships (where any *doubt* may exist in consequence of Mr. Clark's handbill) to postpone the election of their representatives until a future day of meeting is advertised.

Great as the necessity is for an instant appeal being made to the Supreme Government, regarding the state of Upper Canada, the Committee would, by no means, press any measure until its legality is proved, and its propriety fairly established in the public mind. They pledge themselves to shew, in a few days, that they are not only right in what they have done, but that the Hon. Thomas Clark is grossly mistaken.

(Signed for the Committee)

ROBERT HAMILTON.

Niagara, April 18, 1818.

Till there is time for further proof, the following will testify the strange inconsistency of Mr. Clark.

To the Clerk of Township Meeting, 13*th April,* 1818, *at Niagara.*

Queenston, 13th April, 1818.

SIR,

You will herewith receive two dollars, one of which is the subscription of the Hon. Thomas Clark, for the purpose of defraying the expenses of carrying a petition to the Prince Regent, relative to the situation of this province; the other dollar for the same purpose, from

Your most obedient, humble servant,

(Signed) W. G. HEPBURNE.

We certify, that we saw Mr. Clark give the dollar

above mentioned to Mr. Hepburne, for the purpose above also specified.

(Signed) THOs. DICKSON,
JAMES KERBY.

Grantham, April 20, 1818.

This day a numerous meeting of the inhabitants of the township of Grantham having been held at the house of Paul Shipman, and Geo. Adams, Esq. being called to the chair, spoke in substance as follows:

" GENTLEMEN,

" I am happy to see so many of you assemble here this day on the present occasion. You have heard the address of Mr. Robert Gourlay read: you have likewise heard the address of the Hon. Thomas Clark, and as it has been your unanimous vote, that I should be called to the chair, I beg to make a few remarks on the business before us. I assure you, Gentlemen, if there was the least appearance in any one sentence of Mr. Gourlay's address tending to sedition, I would be the last person to come forward to support it. You observe, Gentlemen, that in the address of the Hon. Thos. Clark, to the public, he endeavours to impress on your minds, that our meeting together tends to sedition, but allow me to say, it is an erroneous opinion.

" I have been acquainted with you twenty-four years, and so has that Hon. Gentleman, particularly in the late war with the United States of America, when you all went forward and exposed your lives and property in defence of your King and Country. Gentlemen, your loyalty is not, and *cannot* be shaken by the address of Mr. Gourlay, or any other individual—neither ought you to be intimi-

dated by the address of the Hon. Thomas Clark, wherein he states, it was necessary for the Parliament to suppress seditious meetings. But the Hon. Gentleman should have recollected that the meetings alluded to were entirely of a different nature from our's—at a time when the greatest part of Ireland was in a state of open rebellion, and when preparations for the same were going on in Scotland. This, Gentlemen, is not the case here, and God forbid it ever should be; for I am certain there is not now, a more loyal people in the British dominions, than you in the township of Grantham. It would be doing Col. Clark the greatest injustice, were you not to hold him in the highest esteem, and hand his name down to posterity, for his active and zealous conduct, in frequently exposing his life and fortune in defence of the province. But, Gentlemen, you have all done the same, and I do not think he has any more reason to doubt your loyalty, than you have his. I conceive, Gentlemen, our object for meeting here to-day is to endeavour peaceably and quietly, to petition the Prince and Parliament of our mother country, and let them know the state of the province. You have suffered privations, and have lost property during the late war, which we have a just claim to ask for."

The meeting then proceeded to elect a representative and clerk, when WILLIAM HAMILTON MERRITT, Esq. was appointed to fill the former station, and GEORGE A. BALL, the latter.—A committee was also appointed to forward the views of this meeting: viz. *William Chisholm, Charles Ingersol, Robert Campbell, Amos M'Kenny* and *James Dedrick.*

The thanks of the meeting were then voted to Mr. Robert Gourlay, for the disinterested manner, in which he has come forward in endeavouring to promote the prosperity of this Province.

The thanks of the meeting were also voted to George

Adams, Esq. for his spirited address on this occasion, and his able and impartial conduct in the chair.

GEO. ADAMS, *Chairman.*

GEO. A. BALL, *Clerk.*

When the meeting had finished business and were about dispersing, Mr. Gourlay, who had been visiting some townships, to advise delay till the aspersions cast on his conduct and the right of the subject to petition, were proved to be unfounded, accidentally arrived; whereupon a dinner was ordered, and Mr. G. being invited to partake, a large party sat down, and spent the evening in the most convivial manner.

The following toasts were given,—by the Chairman.

"The King," (with cheers.)

"The prosperity of the province of Upper Canada."

By William Merritt, Esq.—"May every township contribute its aid to the prosperity of the province."

By Mr. G. A. Ball.—"May the navigable waters of the province be speedily improved."

By J. Clark, Esq.—"May the adherents of Mr. Gourlay, be ever encouraged in their virtuous proceedings."

By Geo. Adams, Esq.—"The Administrator."

By Mr. Gourlay—"May the Representative of his Majesty in Upper Canada, ascend from the chair to the throne."

Some of the company desiring an explanation of this toast, Mr. G. rose and replied, that, as unworthy views had been attributed to him, and as such meetings as they had this day held—meetings for the pure purpose of petitioning the Sovereign, had been stigmatized as illegal and seditious, he gave this toast as the most loyal which he could possibly think of for the occasion. The Administrator having, in his speech to Parliament, expressed him-

self as addressing that body "from the *chair*," had virtually deprived the province of the royal presence, and let down the dignity which it was his duty to maintain.

This was a matter of more consequence than might at first be supposed. On the part of ministers at home there was a glaring indifference to the concerns of these provinces; and when public prints ventured to hint at the bartering them away to the United States for their value in cash, it was high time for the people here to support their own dignity by marking every step towards their degradation. True loyalty did not consist in mere passive submission: it consisted in watching over every part of the constitution, at once, with jealousy and affection.

By G. A. Ball.—"May our Representatives undergo a reformation."

By the Rev. Mr. Williams.—"May morality and religion increase throughout the province, particularly in the township of Grantham" (by a wag, in addition) "where there is so much room."

By George Adams, Esq.—"May the United Enemies of the United Kingdom of Great Britain and her dependencies be drowned in this draught."—(Cheers.)

Louth, April 20th, 1818.

This day a numerous meeting of the inhabitants of the township of Louth, was held at the house of Robert Runchie, when the Address of Mr. Robert Gourlay, to the resident land-owners of Upper Canada, dated April 2d, 1818, was read over; also, an Address to the public, signed by the Honourable Thomas Clark, and a counter Address to the public, signed by Robert Hamilton, Esq. representative for the township meeting of Niagara, when the whole tenor and sentiments of Mr. Gourlay's Address was unanimously approved of. In conformity to the recommendations therein contained, the meeting proceeded

to elect a representative and clerk, when JOHN CLARK, of Louth, Esq. was appointed to fill the former situation, and WILLIAM J. KERR, Esq. the latter.

The thanks of the meeting were then unanimously voted to Mr. Robert Gouflay, for his *able* assistance in behalf of the province.

By order,

(Signed) JOHN CLARK, *Representative.*

A true copy, WILLIAM J. KERR, *Clerk.*

Stamford, April 20th, 1818.

At a numerous meeting of the inhabitants and land-holders of the township of Stamford, held at the house of A. Rorback, JOHN HARDY, Esq. being called to the chair, it was unanimously agreed, that we petition the Prince Regent, for the losses we sustained in the late war, and such other grievances as we labour under.

The meeting proceeded to elect a representative and clerk, when JOHN J. LEFFERTY, was appointed to fill the former situation, and HUGH M'CLIEVE, the latter. A committee also was appointed to forward the views of the Meeting, viz. *Frederick Smith, John Howison, James Thompson* and *Abraham Bowman.*

The thanks of the meeting were then unanimously voted to John Hardy, Esq. for his public spirit, in coming forward on this occasion, and fulfilling the duties of the chair.

JOHN HARDY, *Chairman.*

A true copy, HUGH M'CLIEVE, *Clerk.*

Gainsborough, April 20th, 1818.

At a meeting of the inhabitants of the township of Gainsborough, held agreeable to the notice and recommendation of the inhabitants of Niagara township, for

taking measures for petitioning the Prince Regent, regarding the state of the province—JOHN I. TAYLOR, was called to the chair. Mr. Gourlay's Address, dated the 2d day of April, 1818, was then read over, and its principles approved of; whereupon JOHN KENNEDY, sen. was chosen representative, and GEORGE SHIPMAN, clerk. A committee to forward the business within the township, was then appointed, consisting of *George Hensel*, *Charles Kennedy*, *William Dils* and *Benajah Williams*.

JOHN I. TAYLOR, *Chairman.*

GEORGE SHIPMAN, *Clerk.*

Bertie, April 20th, 1818.

A numerous meeting of the respectable inhabitants of this township, having been convened at the house of Matthias Haun, THOMAS OTWAY PAGE, Esq. being called to the chair, the Address of Mr. Gourlay, and other papers to the resident land-owners of Upper Canada, dated April 2d, 1818, were read over, and their whole tenor and sentiments unanimously approved of. In conformity to the recommendations therein contained, the meeting proceeded to elect a representative and clerk, when W. POWELL, of Bertie, Esq. was appointed to fill the former situation, and JOHN APPLEGARTH, of Bertie, the latter.

The thanks of the meeting were then unanimously voted to Thomas Ot. Page, Esq. for his public spirit in coming forward on this occasion, and liberally fulfilling the duties of the chair.

THO. OTWAY PAGE, *Chairman.*

A true copy, J. APPLEGARTH, *Clerk.*

At a second meeting of this township, it having been reported that it was inconvenient for WM. POWELL, Esq. to attend to the duties of representative, it was then unanimously voted, that JOHN BAXTER, Esq. do take upon him the duties of that office, provided WM. POWELL, Esq. do not attend to it. Having been found necessary

that a committee should be chosen, to forward the views of the meeting, *David Damewood, Charles Hill* and *Henry Warren*, were elected to fill that office.

The thanks of the meeting were unanimously voted to Mr. Robert Gourlay, for his unparalleled generosity, in assisting us, in the remotest part of the earth, by presenting to us a method we are in the present undertaking so glad to pursue.

HENRY WARREN, *Chairman.*

A true copy, J. APPLEGARTH, *Clerk.*

NOTE INSERTED IN THE NIAGARA SPECTATOR, of April 23d.

The Committee of Niagara meant to have obtained a lawyer's opinion to lay before the public, to satisfy every one as to the right of British subjects to meet for petitioning the Prince or Parliament; but in the various townships, this right has been so spiritedly maintained, and every one is so well satisfied on the subject that it would rather be thought insult to lay before the public any legal authority. In many townships the business of choosing representatives and clerks, has been already done, but the newspaper of to-day, cannot give publicity to more than three. Those townships which postponed their business on the suggestion of the Committee, are now requested to meet for choosing representatives and clerks on Saturday, SECOND of May, 12 o'clock, if no other notice is sent round; and at all events, the representatives and clerks from the various townships are requested to meet at Shipman's Tavern, St. Catharine's, on Monday, 4th of May, 11 o'clock, forenoon—bring with them their lists of subscribers, and the contributions. A treasurer will that day be chosen—and a petition be drawn up to lay before the public for amendment or remark.

(For the Committee,) ROBERT HAMILTON.

A true copy, JOHN ROSS, *Clerk.*

As the Public throughout the Province cannot be so well informed of all circumstances as they are in this District, the Committee give the following extracts from a letter written by Mr. Gourlay, which appeared in the Niagara Spectator of the 23d April, in support of their principles, and they doubt not, but these, with the sentiments expressed by individuals at Township Meetings, will be quite sufficient to settle all question on the subject, wherever any may be started. (Appendix, No. 3, & B.)

" The right of petitioning is one of the grand articles of the Bill of Rights solemnly passed into law, when the British people had driven one sovereign from the throne, and were about to establish in it another more agreeable to their will. No Act of Parliament is half so sacred as this —the second great charter of British liberty. It emanated purely from the people, uninfluenced by sovereign power, or unswayed by domineering aristocracy, and the era which gave it birth stands emblazoned in history as our glorious revolution. The Parliament of Britain has never questioned this great right of the people, and the people are in the constant habit of exercising their right. The meetings of last year in England, at some of which 20,000 people were collected together, were all held under this grand constitutional privilege, and not a question was made regarding their legality. The Parliament of Britain never attempted to suppress even the Spa-fields meetings, which excited in the minds of some, the greatest alarm; and I, myself, was in the House of Commons, when Lord Folkstone presented a petition from one of these meetings, on the evening of the very day on which it was held."

" What is all this which Mr. Clark has set before the public of Upper Canada, as a bugbear to frighten them out of the exercise of their most sacred right?—what is this quotation from the Statute book?, what are these stories to us, which concern the Irish rebellion and the

conviction of traitors? Is it possible that Mr. Clark could seriously believe that he could for any length of time impose, even upon the ignorant, or appal the timid, with recitals of this nature? Can any man read the Act of Parliament which he has quoted, and not perceive, that it has no eye whatever to peaceable meetings? The Act clearly specifies the sort of meetings which it was framed to repress—meetings "tending merely to sedition, and to delude the people into an imaginary assertion of rights." In the name of God, I ask, where is the symptom of sedition to be discovered in this province? Unless from the mouth of the Hon. Thomas Clark, I never heard a breath in Upper Canada which could, by the remotest construction, be applied to any thing of the kind.—The pure and ardent loyalty of the people here has been one strong influence with me in exerting myself towards improving the connexion of Canada with the mother country, and it excited in me peculiar feelings of disgust, when I read in the newspapers, that surmises were on foot for bartering away such people, like slaves, to the United States. If I am guilty of sedition, why does not the Hon. Thomas Clark do his duty and bring me to trial? Mr. Clark knew of the Niagara meeting, and of my being present there, yet he suffers me to go at large to advise and attend other meetings,—nay, not only am I going at large and doing all this, but I dare the highest magistrate in the province to lay hands upon me. There is thus no alternative for Mr. Clark, but either to do his duty, and arrest me, or to leave me alone, and thereby satisfy the world that he has been wofully imposing on the public by assailing my conduct and principles,—wofully and wantonly scandalizing the rights of the Canadian people. Doubting that the ignorant and timid might not be sufficiently astounded with a quotation of law, Mr. Clark seems to expect that my "heedless proselytes" will be driven from their meetings, and appalled, for ever, by a reference to an Irish Act of Parliament, and

a hint, as to what befel the ignorant in Scotland. In the year 1793, every body knows, that rebellion was nearly bursting out both in Great Britain and Ireland; and every body knows that soon after this, it did break out in the latter. I myself visited Ireland in the midst of its fiercest rebellion, when I was allowed to land and pass along, only from being known to the commander of the king's troops. I had, thus, better opportunities than Mr. Clark, of being acquainted with the state of that country, and the necessity for strong measures on the part of government; and I was still better informed, than he could possibly be, of the situation of things in Scotland. I attended the trial in Edinburgh of one of the chief offenders, and remember well, on what grounds he and others were transported. They were charged with holding secret meetings, with administering oaths of secrecy, and having warlike arms in preparation for carrying their designs violently into execution: who would not wish to see men convicted of such practices, "sentenced to transportation?" Have I done any thing of this sort? Have I held secret meetings? Have I sworn any one to secrecy, or, been an advocate for oaths? Have I or my proselytes any thing to do with warlike armaments? Mercy on us, for, by-and-bye, the Hon. Thomas Clark will accuse us of sedition for eating our food, and of treason, for meeting together, in church, to put up our prayers to the Almighty!" (Appendix, No. 3, & C.)

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"One part of Mr. Clark's placard has stirred up doubt, I find, in more than himself, I mean, his quotation of my words, "A radical change of system in the government of Upper Canada." There are some people so nervous—so very sensitive, that reason has nothing to do with their actions or impulses. A worthy professor of St. Andrew's College, sat one morning in his elbow chair, while his wife reached the tea-kettle to the fire. A drop fell on the professor's leg. He saw the fire and black bottom of the

kettle at one glance. The association of scalding was instantly formed, and the impulse was irresistible: he leaped to the floor, in agony, and stormed at his wife for the pain he suffered. When he had sufficiently vented his groans and his spleen, "Sit down," said his patient partner in this world's misery, "sit down and bless yourself, my dear, for the water was but this moment drawn from the well."

"The word government, may be variously applied:—to the frame of government—the constitution; or, to the mode of carrying on the government—the management—the administration. In Britain we never think of petitioning for a change of government in the first sense—a change of constitution. We are all pleased with the constitution; but we roar loudly, and petition often, against the government, taken in the latter sense—the management—the administration. To petition for a change of government in Upper Canada is quite different:—here we may safely petition for a change of government, in every sense of the word. The government or constitution of Upper Canada rests merely on the authority of a British Act of Parliament; and all that is constituted thereby is subject to repeal, by the same power which enacted it, as the words of our constitutional statute expressly indicate. The constitution of Upper Canada is to continue only "During the continuance of this Act," and should we petition for a change of government here, we do nothing more than is done every day at home, for a repeal or amendment of an Act of the British Parliament." (Appendix, No. 3, & D.)

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"But the words did not go to the extent imagined. I speak of "A change of system in the government." What is *in* the government, cannot be the government: the wine *in* a bottle, is not the bottle. Through all my writings, it will be found that I spoke of the *system*, and sometimes I identified this system, with that which ruled by "Patron-

age and favouritism." The system of patronage and favouritism in the government of Upper Canada, I have long considered to be the great bane of prosperity, and, without this is put down, all legislators sent to Little York, will come back better for themselves, but bringing with them, nothing better for the country." (Appendix, No. 3, & E.)

Clinton, April 27, 1818.

This day a numerous meeting of the inhabitants of the township of Clinton, was held at the house of Richard Hill, when the Address of Mr. Robert Gourlay, to the resident land-owners of Upper Canada, dated April 2, 1818, was read, and the whole tenor and sentiments therein contained, were unanimously approved of;—when JOHN BEAM, was appointed chairman.—The meeting then proceeded to elect a representative and clerk, when Dr. CYRUS SUMNER, was chosen to fill the former situation, and JACOB BEAM the latter. A committee was also appointed to forward the views of this meeting, viz. *James Doddie, George Morris, John Comfort, Peter Hare, Jun.* and *Perez Dean*.—The thanks of the meeting were voted to Mr. ROBERT GOURLAY, for the disinterested manner in which he has come forward in order to promote the interest and welfare of this province. The thanks of the meeting were then unanimously voted to Mr. John Beam, for his regular conduct in the chair.

JOHN BEAM, *Chairman*.

JACOB BEAM, *Clerk*.

Grimsby, April 27, 1818.

This day a meeting of a number of the inhabitants of this township, was held at the house of Charles Anderson,

for petitioning the Prince Regent with regard to the state of the province.

The meeting was regularly constituted by calling JONATHAN WOLVERTON to the chair, and the meeting proceeded, according to the recommendations of Mr. Gourlay, in his address to the resident land-owners of Upper Canada.

MR. HENRY HIXON, was chosen representative to meet with others and concert measures, for carrying the same into execution. DENNIS WOLVERTON was chosen clerk; also a committee to forward the business of the township, consisting of *John Moore, Daniel Camp, William Bridgeman,* and *John Smith.* The smile of approbation appeared visible on every countenance, and the whole meeting was conducted in harmony and good order.

JONATHAN WOLVERTON, *Chairman.*

A true copy, DENNIS WOLVERTON, *Clerk.*

Caistor, 28th April, 1818.

This day the inhabitants of Caistor, and Canborough, having met at the house of Mr. John Lymburner, to take measures for petitioning the Prince Regent, according to the principles approved of by the inhabitants of Niagara township, met at that place, the thirteenth instant, SAMUEL BIRDSALL was called to the chair, WILLIAM ROBERTSON, Esq. was unanimously elected representative, and Mr. JOHN LYMBURNER, clerk.—A committee for aiding the business within the said townships was also formed, consisting of Messrs. *Peter Melick, Mathew Smith, William Stevenson,* and *Mathew Lymburner, Jun.*

SAMUEL BIRDSALL, *Chairman.*

A true copy, J. LYMBURNER, *Clerk.*

At a numerous meeting held at Becket's Mill in the township of Pelham, the 29th April, 1818, pursuant to the recommendations of the Niagara meeting held on the 13th inst. THADDEUS DAVIS, was called to the chair, when the whole tenor and sentiments of Mr. Robert Gourlay's address to the resident land-owners of Upper Canada, dated April 2, 1818, was read over and unanimously approved of. The meeting then proceeded to appoint a representative and clerk, when JOHN HENDERSON, was appointed to fill the former situation, and MOSES BRADY, the latter.

A committee also was appointed to forward the views of the meeting, viz. *Messrs. Samuel Becket, William Henderson,* and *Christopher M'Calpin*. The thanks of the meeting were unanimously voted to Mr. Robert Gourlay, for his disinterested exertions in behalf of the province, likewise the thanks of the meeting to Mr. Thaddeus Davis, for his public spirit in coming forward to fill the chair.

THADDEUS DAVIS, *Chairman.*

A true copy, MOSES BRADY, *Clerk.*

Thorold, April 29th, 1818.

This day a numerous and respectable meeting of the landholders and other inhabitants of this township, having been held at the house of Mr. Aaron Crane, it was agreed to unite in the endeavours of other townships, to represent the state of this province to his Royal Highness the Prince Regent—Thereupon the meeting was regularly constituted by calling Mr. EBENEZER CAVERS, to the chair.

GEORGE KEEFER, Esq. J. P. was elected to act as representative for the people of this township.

Mr. WILLIAM M'CLELLEN to act as clerk. To forward the business within the township, the following

persons were chosen a committee, viz.—*John Street, Ebenezer Cavers, Jacob Upper, Thomas Bald, Jun. Garrett Vanderburgh, Geo. Martatt.*

The thanks of this meeting were unanimously voted to Mr. Robert Gourlay, for his active exertions in behalf of this province. Also, to the chairman, Mr. Ebenezer Cavers, for his public spirit in coming forward to fill the duties of the chair.

EBENEZER CAVERS, *Chairman.*

A true copy, W. M'CLELLEN, *Clerk.*

Willoughby, April 30, 1818.

This day a meeting of the inhabitants of the township of Willoughby having been held at the house of John Palmer, and David Davis being called to the chair, it was unanimously resolved to support the measures recommended in Mr. Gourlay's Address to the resident land-owners of Upper Canada, dated 2d April, 1818, when JAMES CUMMINGS, Esq. was unanimously chosen representative, and JACOB GANDER, clerk. A committee to forward the business within the township was then appointed, consisting of *Jacob Everett, John Lemon, Henry Hetch,* and *Benjamin Sharp.*

DAVID DAVIS, *Chairman.*

A true copy, JACOB GANDER, *Clerk.*

Humberstone, May 1, 1818.

This day a second meeting of the inhabitants of Humberstone and the Lake side of Wainfleet, having been held at the house of Christian Zevitz, to take into consideration the state of the province, and the propriety of petitioning the Prince Regent, respecting the same, Mr. BENJAMIN HORTON in the chair—It was agreed to confirm the ap-

pointment of Mr. HORTON, to act as representative, and Mr. BENJAMIN HERSEY, clerk.—A committee was also formed, consisting of *Jacob Luse*, *Abraham Hersey*, *John Weaver*, and *Abraham Kennaird*, to carry the business into effect in the township.

BENJAMIN HORTON, *Chairman*.

A true copy, BENJAMIN HERSEY, *Clerk*.

Crowland, May 1, 1818.

Which day a numerous meeting of the inhabitants of the township of Crowland, having been held at Cook's Mills, and Calvin Cook being called to the chair, the address of Mr. Gourlay to the resident land-owners of Upper Canada, dated April 2, 1818, was read over, and its whole tenor and sentiments unanimously approved of.

In conformity to the recommendations therein contained, the meeting proceeded to elect a representative and clerk, when JOSEPH CURRENT was appointed to fill the former situation, and SAMUEL GLOVER the latter. A committee was also appointed to forward the views of the meeting, viz. *Jacob Brookfield*, *William Cook*, *Leonard Misner*, and *Christopher Buchner*.

The thanks of the meeting were then unanimously voted to CALVIN COOK, for his public spirit in coming forward on this occasion, and liberally fulfilling the duties of the chair.

(Signed) CALVIN COOK, *Chairman*.

A true copy, SAMUEL GLOVER, *Clerk*.

At this meeting Crowel Wilson, Esq. J. P. was proposed as representative, but declined, owing to the present state of his health. He came forward, however, as a subscriber, and delivered a most spirited address to the people, which unhappily cannot have sufficient justice done to it in this report—In substance he said, "I know, friends and neigh-

bours, that all British subjects inherit the right of petitioning the throne, for redress of grievances, and I conceive that meeting together, in this friendly and peaceable manner, for that purpose, may be attended with most beneficial effects to the inhabitants of this province.

"The law quoted by my much esteemed friend the Hon. Thomas Clark, does not regard meetings assembled for the peaceable exercise of petitioning even in Britain; but here, at any rate, it can have no more force than the laws of Japan or China. This law was made in 1793, but before that date the inhabitants of Upper Canada had received a power of legislating for themselves. Our first step might have been to petition the provincial Parliament, as to the public grievances; but the different branches of Parliament have quarrelled, and our members of Assembly have neglected us. Our only recourse now is to petition the Throne, and for my part I would rather be adopted into a tribe of Indians than give up this privilege. I am not for bearing the kicks and cuffs of servants of Government: I am not to be alleviated under such grievances, by returning thanks for the same. It is well known, that notwithstanding the reputed purity and vigilance of the ancient government of Rome, the people of its distant colonies were most shamefully imposed upon by those delegated to rule over them. I have a high opinion of the Administrator and Chief Justice, and do not think that any blame rests with them or other members of the Executive Council; but certainly "there is something rotten in the state of Denmark"—and I rather think that evils originate at home.—Before the war, any man, who came from any part of the globe, received, upon petitioning, and taking the oath of allegiance, 200 acres of land: the fees were thirty-seven and a half dollars, and the location could be made on any land not before taken up. Now his Majesty's own subjects, who have borne all the hardships of war for support of the crown, can only draw 100 acres, and perhaps that is located in

some remote corner, such as the township of Brock, where it is no better than a location in the moon; it being impossible to get there but in the frozen season of the year. The Honourable Thomas Clark, I consider to be a loyal subject and faithful friend to the British government; but as to the right of petitioning he is grossly mistaken."

Wainfleet, May 2, 1818.

This day a meeting of the inhabitants of this township, was held at the house of David Thompson, for the purpose of taking into consideration the propriety of petitioning the supreme government for a redress of grievances; when Mr. Gourlay's Address to the resident land-owners of Upper Canada, dated the 2d ult. was read over, and its whole tenor and sentiments unanimously approved of. The meeting then proceeded to elect a representative and clerk, when DAVID THOMPSON, Esq. was chosen to fill the former situation, and JAMES THOMPSON the latter. A committee also was appointed, to forward the views of the meeting, viz. Messrs. *Henry Groff, Nathan Kelley, Stephen N. Farr*, and *Hiram Humphrey*. The thanks of the meeting were then unanimously voted to Mr. Gourlay, for his disinterestedness, and for coming forward and ably assisting to promote the good cause.

(Signed) DAVID THOMPSON, *Chairman.*

A true copy, J. THOMPSON, *Clerk.*

Mr. Thompson, the chairman of this meeting, after returning thanks for the honour done to him, spoke with much animation on the right of the subject to petition the Prince Regent, and deprecated the comparison of the present meetings in Upper Canada with those rebellious assemblages which had, in Ireland, proceeded to unwarrantable lengths. Those who call the present meetings seditious, would do well, he said, to call to mind how the

people of Canada rallied round the royal standard in the late war—not only when it waved victorious, but even in the most critical times. Was it not a fact, that those who now accuse us of sedition, left us and flew to other countries for refuge, till the storm was over? None of you gentlemen acted thus: but you see the return that is made. You all know that councillors and commanders promised you land for your extraordinary services as good soldiers, and you all expected your private losses to be made up. Three years have now elapsed since the din of arms ceased; but where are your rewards—what has become of your claims? Should we attribute such neglect to our Parliament, or can we suppose that the supreme Government hath forbidden the fulfilment of justice? In my opinion the fault lies with our own representatives, and it is now high time for us to petition the Prince Regent for inquiry into the causes of evil, and for our just demands.

St. Catharine's, 4th May, 1818.

This day representatives (and clerks,) chosen by the inhabitants of the several townships of Niagara district, for the purpose of petitioning the Prince Regent, on the general state of public affairs now existing in the province of Upper Canada, met here.

Robert Hamilton, Esq. representing the township of Niagara.
Wm. Hamilton Merritt, Esq. J. P. do. Grantham.
John Clark, Esq. J. P. do. Louth.
Dr. Cyrus Sumner, do. Clinton.
Captain Henry Hixon, do. Grimsby.
Major Wm. Robertson, do. Caistor and Canbury.
Mr. John Kennedy, do. Gainsborough.
Mr. John Henderson, do. Pelham.
George Keefer, Esq. J. P. do. Thorold.
Dr. John J. Lefferty, do. Stamford.

James Cummings, Esq. J. P. do. Willoughby.
John Baxter, Esq. do. Bertie.
Mr. Joseph Current, do. Crowland.
Mr. Benjamin Horton, do. Humberstone, and Lake side of Wainfleet.
David Thompson, Esq. do. Wainfleet.

John Clark, Esq. being unanimously called to the chair —the business of the day commenced by Mr. Clark's reading over Mr. Gourlay's Address to the resident land-owners of Upper Canada, dated 2d April, 1818. The recommendations and principles contained in the Address, were declared to be those now generally approved of, and as constituting the basis of the present proceedings.—It was then moved and carried, that Mr. Gourlay should be called to the sitting, and invited to assist in the business of the day.

George Adams, Esq. J. P. was elected to be treasurer for this district, and, being sent for, accepted the office. William J. Kerr, Esq. was elected secretary; and these gentlemen were desired to retire with township clerks, to arrange accounts and commence a regular journal of transactions. It was then moved, that a draft of a petition previously prepared, should be read, which being done, its general principles were approved of, and it was agreed further that consideration, as to its style, &c. be referred to a committee of four.—*Moved, and unanimously carried,* that as soon as the committee are sufficiently satisfied with the wording of the petition, they order it to be printed, with a view to its lying before the public one month, and affording opportunity for animadversion or amendment, that finally it may be so drawn out as to give the greatest possible degree of satisfaction to the people of the district —*Moved, and unanimously carried,* that the same committee do immediately publish, throughout the province, the whole proceedings of the people of this district of

Niagara, up to this time; and take all necessary steps towards promoting the objects in view.

Moved, and unanimously carried, that the gentlemen of the committee advertise Saturday, 6th June, at 2 o'clock, afternoon, as a proper time for the people of other districts, to hold township meetings throughout the province, at all places where township meetings are usually held—that Saturday, the 13th of the same month, be advertised for the meetings of township representatives at the head town of their respective districts, there to choose district representatives, to assemble in the provincial convention. —*Moved, and unanimously carried,* that Monday, 6th July next, be advertised as the day of meeting at York, of the provincial convention, there to appoint a commission to proceed to England, with the petitions to the Prince Regent, and hold conference, generally, on all matters then requiring attention. *Moved, and unanimously carried,* that it is proper for each district, to send to the provincial convention, representatives, in like number and proportion as they send members to Parliament.—*Moved, and unanimously carried,* that it be recommended that the district representatives for the Western, London, Gore, and Niagara districts, do meet together, at Ancaster, on Friday, 3d July—there to tarry one or two days to consult and order with regard to any thing in these districts, that may then be discovered to be neglected.—Also, that the district representatives for Ottawa, the Eastern, Johnstown and Midland districts, do meet for the like purpose, on Wednesday, the 1st of July, at Earnest Town.

The meeting proceeded to choose representatives for Niagara district, when Robert Hamilton, Esq. Dr. Cyrus Sumner, John Clark, J. P. and Major Wm. Robertson, were duly elected.—It was then moved and carried, that these gentlemen constitute the committee above mentioned.

One of the representatives requesting to be allowed to read a paper to the meeting, the request was granted. The

paper regarded certain partial proceedings in courts of justice, and attributed the same to the present corrupt state of public affairs. The gentleman wished the meeting to take the same into consideration; but the proposal was lost, this being declared not a meeting of deliberation as to private or particular grievances, but for the pure purpose of petitioning the Prince Regent generally, as to the state of the province. It was admitted that this, or other papers respecting public grievances, might be given to district representatives, sealed up, and directed to be put into the hands of the commissioners, that they may make what use they please of the same, for the general good of the province. *Moved, and unanimously agreed,* that the thanks of the meeting be given to John Clark, Esq. for his impartial conduct in the chair.

The meeting then adjourned till Monday, 8th June, at St. Catharine's, when the petition will be finally adopted, and measures taken for its signature in the several townships of this district.

JOHN CLARK, *Chairman.*

WILLIAM J. KERR, *Secretary.*

(Here came in the Address to his Royal Highness the Prince Regent, which has appeared in Vol. I., page 571, and underneath the Address was the following:)

N. B. Should any person incline to draw out an ADDRESS, *entirely different from the above, it is requested that a copy may be directed to* "Mr. John Ross, Niagara," *(for the District Committee,) and it is also requested that reports of township meetings, stating what persons are appointed to act as representatives, clerks, and committee men, be forwarded to the same, with all convenient speed, immediately after such meetings are held.*

AS I am anxious to have every word exhibited which made part of the pamphlet, for publishing which I was twice arrested, and subjected to trial, I here add an Advertisement, which I had permission from the Niagara District Committee, to print on the blank cover.

TO THE PUBLIC.

WITH consent of the Niagara Committee, I take this opportunity of notifying that I have directed to be printed, together, the whole writings on the state of Upper Canada, which have appeared during the last six months in the Niagara Spectator, &c. with notes, &c. They will form a curious collection of political wrangling, and exhibit an important species of evidence as to causes which now retard the prosperity of this fine country.

Those inclining to have a copy of this work, will be so good as to give in their names to storekeepers who may be willing to become agents in the business; and as soon as such storekeepers, either severally, or by joining their lists of subscribers with others, can give an order for 20 copies, they will be so obliging as to write to me, at the post-office of Queenston, Kingston, or Montreal, noting, on the back of the letter, the word "order;" by which means I shall be able to have the same attended to in the speediest and best manner*.

My experience in Upper Canada assuring me that an independent newspaper, established on a footing of such strength as to secure its delivery regularly, on a certain

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* Such of these extracts from the Spectator, as do not appear in the body of this work, will be found in Appendix, No. 3.

day of every week, in every organized township above York, would not only pay, but become of infinite advantage to the inhabitants, I now beg leave to propose such an undertaking before I return to Europe. If the proposal is liberally received, I should make arrangements, there, for laying a substantial ground-work, and for obtaining, regularly, the best and earliest intelligence of the great political movements of the old world, thereby to be enabled to keep up a journal of occurrences, in which the people of Canada, it is hoped, will long continue to have the warmest interest.

During the sitting of Parliament, I should remove the press to the seat of Government, if not stationary there during the whole year, so that faithful reports might be given of legislative proceedings, &c. In short, the scheme should reach, if possible, every desirable object, and stamp "the very body of the time—its form and pressure."

Persons, favourably disposed to such an undertaking, will use the same mode of expressing their will as above pointed out; and, should single individuals wish to correspond directly with me on the subject, I have only to request, in such cases, that the postage may be paid, for obvious reasons.

ROBERT GOURLAY.

MEETINGS

OF

THE MIDLAND DISTRICT,

June 6th, 1818.

In the township of Kingston, at the house of Samuel Purdy, Anthony Mc. Guin, Esq. J. P. in the chair, Daniel Washburn, Esq. was elected Representative, and John Vincent, Clerk.

In the township of Elizabeth-Town, at A. P. Forward's Hotel, Mr. Daniel Perry in the chair, Davis Hawley, Esq. was elected Representative, and Dr. George Baker, Clerk —also a Committee, consisting of John C. Wilson, Henry Lasher, Collin Mc. Kenzie, William Clow, John Lake, jun. John Fralech, sen. Jehiel Hawley, sen. Joseph Smith, and Edward Howard.

In the township of Fredericksburgh, at the house of Daniel Bowen, and Capt. Alexander Clark being in the chair, Mr. Paul Peterson was elected Representative, and Cyrenus Freshee, Clerk,—Mr. John Clapp, and Mr. Samuel Detlor, a Committee.

In the township of Adolphus-Town, at the Court-house, Willit Casey, Esq. M. P. being in the chair, he was elected Representative, and George H. Detlor, Clerk,—Moses Carnahan, Archibald Campbell, Thomas Cook and W. Cassey, were appointed a Committee.

In the township of Richmond, at the house of Joseph Pringle, William Pringle was appointed Representative, and Lewis Ketchum, Clerk,—William L. Bowen, and Francis Vandeboger, a Committee.

In the township of Hallowell, at the house of Thomas Eyre, Mr. Elijah Carley being in the chair, Mr. Benjamin Hubbs was chosen Representative, and E. W. Armstrong, Clerk.

In the township of Ameliasburgh, at the house of Henry Butler, Mr. John Garth being in the chair, Neal Mc. Arthur was elected Representative, and David Walt, Clerk,—a Committee was also formed, consisting of Mr. John Belyon, Samuel W. Parsons, Isaac Huyck, and William Birksman.

In the township of Thurlow, at the house of Mrs. Margaret Samson, Belville, Robert Smith, Esq. being called to the chair, Capt. Thomas Coleman was chosen Representative, and John Reynolds, Clerk,—also a Committee consisting of John Frederick Matthias Ross, and Thomas Clapp.

In the township of Sidney, at the house of Mr. John Ketcherson, John Row, Esq. being in the chair, Capt. Jacob W. Meyers was appointed Representative, and Elkanah B. Fairfield, Clerk,—also a Committee composed of Ezekiel Lawrence, Thomas Jones, Moses Moses, and Alexander Chisholm, Esqrs.

In the township of Loughborough, at the house of Mr. William Simkins, Mr. John Freeman being called to the chair, Mr. William Simkins was appointed to be Representative, for inhabitants of this township and Portland, and Mr. Thomas Raile, Clerk,—also a Committee consisting of Messrs. Luke, Barret, Peter Swetzer, and David Richmond.

In the township of Marysburgh, at the House of Daniel Wright, and Capt. James Wright being in the chair, Capt. John Allen was chosen Representative and Ensign Henry Dingman, Clerk,—also a Committee, consisting of Peter Huff, John Wright, and Peter Rose.

In the township of Sophiasburgh, at the house of John Goslin, Jesse Potter in the chair, Henry W. Fox was appointed Representative, and Isaac Cole, Clerk: also a Committee, consisting of Messrs. Philip Roblin, John Sticknay, John Goslin, Owen Wessels, and Nicholas Lazier.

Kingston, 13th June, 1818.

This day having been named by inhabitants of Niagara District, in their publication of Principles and Proceedings, for the Meeting of District Representatives, the following persons, nominated by their respective townships, appeared here; namely, Davis Hawley, Esq. for Ernest-Town, Thomas Coleman, Esq. Thurlow, William Pringle, for Richmond, Jacob W. Meyers, Esq. for Sidney, and Daniel Washburn, Esq. for Kingston.

Davis Hawley, Esq. being unanimously called to the chair, it was discovered that a mistake as to the place of meeting, had caused some township Representatives to assemble at Ernest Town; and, in consequence, it was resolved not to proceed to the choice of district Representatives, Treasurer, and Secretary, this day.

It was resolved, nevertheless, that an assurance ought immediately to be dispatched to the Secretary of Niagara district, by the chairman of this meeting, requesting him immediately to communicate to the Representatives of Niagara district, that they may depend on being met at York on the 6th July next, by persons duly appointed to act for the Midland District, as to sending to England a commission, bearing addresses, from this province, to his Royal Highness the Prince Regent, on the state of public affairs.

Furthermore, it was resolved, that Saturday, 20th of this present month, be immediately advertised as the day of General Meeting of Township Representatives and Clerks, for this district, at the house of Abel P. Forward,

innkeeper, at the hour of two o'clock, P. M. in the village of Ernest Town, for the special purpose of electing district Representatives, a Treasurer, and Secretary.

And likewise it was resolved, that the foregoing Resolutions be published in the next Kingston Gazette.

DAVIS HAWLEY, Chairman.

Ernest Town, 15th June, 1818.

Several Representatives of townships of the Midland District, viz. Willet Casey, Esq. M. P. for the township of Adolphustown, Paul Peterson, for Fredericksburg; Amos Ansley, for Pittsburgh and Wolf Island; Captain John Allen, for Marysburgh; Benj. Hubbs, for Hallowell; Henry W. Fox, for Sophiasburgh; and Neil Mc Arthur, for Ameliasburgh—assembled, by mistake, at this place on Saturday the 13th instant, having sent an intimation to those who assembled at Kingston on the said day, that they would meet this day at the house of Abel P. Forward, in this village, to proceed to business. A meeting accordingly took place.

PRESENT.

Daniel Washburn, Esq. for Kingston,
Amos Ansley, for Pittsburgh and Wolf Island,
William Simpkins, for Loughborough,
Davis Hawley, Esq. for Ernest Town,
Paul Peterson, for Fredericksburgh,
William Casey, Esq. M. P. for Adolphustown,
John Allen, Esq. for Marysburgh,
Benjamin Hubbs, Esq. for Hallowell,
Neil Mc Arthur, for Ameliasburgh,
Thomas Coleman, Esq. for Thurlow,
William Pringle, for Richmond,
(Jacob William Meyers, for Sidney, and Henry Wil-

liam Fox, for Sophiasburgh, being absent from unavoidable circumstances).

Willet Casey, Esq. M. P. being unanimously called to the chair, Messrs. Thomson and Detlor, merchants, were elected Treasurers for the Midland District, and Daniel Washburn, Esq. temporary Secretary.

DANIEL WASHBURN,
THOMAS COLEMAN,
PAUL PETERSON,
JACOB WM. MEYERS,
& DAVIS HAWLEY,
} ESQUIRES,

were then unanimously elected District Representatives.

A Committee of management for the district was also appointed, with power to nominate a permanent Secretary, who, together with the Treasurer, Daniel Washburn, Davis Hawley, and Paul Peterson, Esquires, should constitute the same.

Resolved, That while we are conscious that our object, and that of the land-owners whom we represent, is to unite in a *peaceable* and *constitutional* mode of proceeding, by a Loyal ADDRESS to the Prince Regent, to obtain impartial public inquiry, concerning evils believed to exist in the Administration of this province, with a view to the removal of them, and the improvement of the state of the province; we regard with indignation, any attempt to stigmatize as illegal the exercise of one of the most sacred rights of Englishmen, and to suppress it by Criminal Prosecution. (Alluding to my arrest for publishing the pamphlet of *Principles and Proceedings.*)

Resolved, That the township Clerks of this district do pay into the hands of the Treasurer all monies which they have, or may collect, on or before the first of July next—and that the Treasurers be requested to account therefor on that day, at this place, to the District Committee.

The thanks of the meeting were then voted to the Chairman, for his liberal conduct, and also to Mr. GOURLAY, for his disinterested exertions in behalf of the province of Upper Canada.

This General Meeting adjourned till a future day of meeting shall be advertised by the District Committee.

WILLET CASEY, Chairman.

A true copy, D. WASHBURN, Acting Secretary.

MEETINGS

IN

THE WESTERN DISTRICT.

At Amherstburgh, at the house of Mr. Wm. Searle, Mr. Roderick Drake was appointed Representative for the township of Malden, Mr. Alexander Kenith M'Kenzie, Clerk; also, a Committee, consisting of James Caldwell, Gustavus Arwison, and John Mickle.

At Colchester, at the house of Mr. John Little, Mr. Rudolph Huffman being in the chair, Mr. John Brush was chosen Representative, and Mr. Gordon Buchannon, Clerk; also, a Committee, consisting of Messrs. John Little, Thomas Wright, Henry Lypps, and John Farres.

At Gosfield, at the house of Mr. Robert Mc Murray, Mr. Leonard Scratch being in the chair, Mr. Joseph Wigle was chosen Representative for the townships of Gosfield and Mercia, Mr. John I. Roe, Clerk — and Messrs. Michael Fox, Jacob Fox, Peter Scratch, and Henry Scratch, a Committee.

At Sandwich, at the house of Mr. Thomas Lewis, J. B. Tourneaux, Chairman. Mr. Simon L'Duc was appointed Representative, Mr. Augustin Langlois, Clerk, and Committee, Messrs. C. Pajot, Alexis Parent, Jaques Parent, and Gabrille Boudix.

Sandwich, 13th June, 1818.

This day a meeting of the Representatives for the following townships in the county of Essex and Western district, was held at the house of Mr. Thomas Lewis, for furthering the general cause recommended in Mr. Robert Gourlay's Address to the Resident Land-owners of U. Canada, dated 2d April, 1818.

PRESENT,

Mr. John Brush, representing the township of Colchester.

Mr. Joseph Wigle, do. do. Gosfield and Mercia.

Mr. Simon L'Duc, do. do. Sandwich, Moy, and Petite Cote.

Mr. Roderick Drake, do. do. Malden.

Mr. Brush being unanimously called to the chair, the business of the day commenced by Mr. Brush's reading over the Address of Robert Gourlay, to the Resident Land-owners of U. Canada, dated 2d April, 1818. The recommendations therein contained were declared to be those generally approved of at the several township meetings held throughout the county of Essex. Mr. Prideaux Girty was appointed treasurer for the county of Essex only, and Mr. Alex. Kenith M'Kenzie was appointed secretary, and these gentlemen were desired to retire with township clerks, to arrange accounts and commence a regular journal of transactions. The meeting

then proceeded to choose a Representative for the county of Essex, when Mr. RODERICK DRAKE was duly elected, and in conformity to the resolutions formed in the Niagara District, will proceed to Ancaster, by the 3d day of July next, and from thence to proceed to York, by the 6th of the same month, to appear at the Provincial Convention.

MEETINGS

IN

THE DISTRICT OF GORE.

June 6th, 1818.

In the township of Trafalgar, at the house of Mr. Daniel Munn, Mr. Samson Howell was chosen Representative, and Mr. John Brown Clerk; also a Committee, viz. Messrs. James Thompson, Daniel Munn, Wm. Tisdale, and John Kaiting.

In the township of Barton, at the house of Samuel Price, Geo. Hamilton, Esq. J. P. being in the chair, Richard Beasely, Esq. J. P. was chosen Representative, and Samuel Ryckman, Clerk; also a Committee, consisting of Thomas Davis, Jacob Rymal, John Smith, and Daniel Crosswait.

In the township of Ancaster, at Newton's Inn, Mr. Samuel Andruss in the chair, Mr. Peter Hogeboom was chosen Representative, and Mr. Thomas Lawrason, Clerk; also, a Committee, consisting of Mr. John Binkly, Mr. William B. Van Every, and John Vanderlip.

In the township of Nelson, at the house of Caleb Hopkins, Mr. Moses Mc Cay in the chair, Wm. Chisholm was chosen Representative, and Wm. Mc Cay, Clerk.

In the township of Flamborough East, at the house of Mr. Gabriel Hopkins, Geo. Chisholm, Esq. in the chair, John Chisholm, Esq. was elected Representative, and Mr. F. I Harrold, Clerk; also, a Committee, consisting of Messrs. Geo. Chisholm, jun. Gabriel Hopkins, and Christian Row.

In the township of Beverly, at the house of Mr. Rinear Vansikel, Mr. Andw. Jones, Representative, and Mr. James Deary, Clerk; also, a Committee, consisting of Messrs. James Cope, James Jones, and John Humel.

In the township of Glanford, at the house of Mr. Christopher Terraberry, Paul Huffman being in the chair, Thomas Choat was chosen Representative, and John Hayes, Clerk; also, a Committee, consisting of Messrs. George F. Smith, Jacob L. Smith, and John Treanor.

Hamilton, District of Gore,
June 13th, 1818.

This day a meeting of the Representatives from the different townships of the district, assembled at the inn of Samuel Price, for the purpose of petitioning the Prince Regent on the general state of public affairs now existing in the province of Upper Canada.

Richard Beasely, Esq. representing the township of Barton.

Peter Hogeboom,	Ancaster.
Jacob Springstoen,	Saltfleet.
Andrew Jones,	Beverly.
John Chisholm, Esq.	East Flambro'.

Capt. Wm. Chisholm,	Nelson.
Sampson Howell,	Trafalgar.
Thomas Choat,	Glanford.
Frederick Yeoward,	Haldimand.
Jacob Erb,	Waterloo.

Peter Hogeboom being unanimously called to the chair, the business of the day commenced by reading Mr. Gourlay's Address to the Resident Land-owners of Upper Canada, and the Petition to the Prince Regent. The Address and Petition were unanimously approved of by the meeting. The meeting proceeded to choose Representatives for the district, and the following persons were unanimously chosen, viz.

Richard Beasely, Esq. to represent the county of Wentworth.

Capt. Wm. Chisholm, the county of Halton.

The meeting proceeded to elect a Treasurer and Secretary; Geo. Hamilton, Esq. was elected Treasurer, and John Chisholm, Esq. Secretary. The meeting passed a vote of thanks to Mr. Gourlay, for his spirited interference in behalf of his Majesty's subjects in this province.

MEETINGS

IN

THE JOHNSTOWN DISTRICT.

In the township of Crosby, June 6th, 1818, at the Schoolhouse, Mr. Joseph Merriman in the chair, Chapman Pennock was appointed Representative, and Nathaniel Ketchum, Clerk; also, a Committee, consisting of Messrs. Joseph Merriman, Henry Halladay, and Aaron Pennock.

In the township of Kitley, 22d June, 1818, at the house

of William Talman, Benjamin Lyman, Esq. J. P. in the chair, Capt. Duncan Livingstone was chosen Representative, and I. S. Root, Clerk; also, a Committee, consisting of Benjamin Lyman, Esq. Timothy Soper, William W. Brown, and John Arnold.

In the township of Bastard, 23d June, 1818, at the house of E. Chamberlain, Mr. Barnabas Chapman in the chair, Dr. George Breakenridge was chosen Representative, and Silas Smith, Clerk; also, a Committee, composed of Messrs. William Stevens, Daniel Terrie, Sheldon Nichols, and Judson Stoddard.

In the township of Landsdown, 23d June, 1818, at the house of Mrs. Lee, Mr. Nathan Hicock in the chair, he was chosen Representative for inhabitants of this township and Leeds, Mr. Oliver Eaton, Clerk, and a Committee, consisting of Messrs. Wm. Parish, John Struthers, Allan Sweet, Isaac Soper, and the Representative.

In the township of Yonge, 24th June, 1818, at the houses of John Dickson and Stephen Andrews, Capt. Joseph Wiltsie and Mr. Wm. Thomson in the chair, Benoni Wiltsie, Esq. was chosen Representative, and Mr. Andrew Teed, Clerk; also, a Committee, consisting of Messrs. John Dickson, Squire Mott, Daniel Phelps, William Thomson, Walter Adams, and Thomas P. Kenyon.

In the township of Elizabethtown, at the house of Mr. Dayton, 26th June, 1818, Thomas Smith, Esq. J. P. in the chair, he was chosen Representative, and Mr. John Kilborn, Clerk; also, a Committee, consisting of Messrs. Truelove Butler, Vincent Booth, Edward Howard, John Ketchum, and Abraham Dayton, Esq. J. P.

Elizabeth Town, June 26th, 1818.

Which day the following persons chosen to represent inhabitants of townships in the Johnstown District, with a view to co-operate with inhabitants of the District of Niagara and others, in sending to England a commission bearing addresses to his Royal Highness the Prince Regent, on the state of Upper Canada, assembled at the house of Abraham Dayton, Esq. Elizabethtown, viz. Thomas Smyth, Esq. J. P. representing inhabitants of Elizabethtown; Duncan Livingston, Esq. do., Kitley; Dr. George Breakenridge, do., Bastard; Mr. Nathan Hicock, do., (rear and front of) Yonge; Mr. Chapman Pennock, do., Crosby.

THOMAS SMYTH, Esq. J. P. being called to the chair, it was

1st. *Resolved and carried,* That only about half the townships of this district having appointed Representatives, one Representative shall be considered sufficient to proceed to York on behalf of the same.

2d. *Resolved and carried,* That the necessary charges of the district Representative attending his duty at York, shall be defrayed out of the district fund, and be payable to the order of the Committee.

The meeting then proceeded to choose a district Representative, when Mr. Nathan Hicock was duly elected; John Kilborn was chosen Secretary, and Thomas Smyth, Esq. J. P. Treasurer; a Committee was also appointed, consisting of Abraham Dayton, Esq. J. P. Thomas Smyth, Esq. J. P. Edward Howard, Vincent Booth, John Kilborn, and the district Representatives—any three to be a quorum.

3d. *Resolved and carried,* That, as many people in the townships, from whence Representatives have not been sent to this meeting, are known to be well disposed to the cause, the District Committee shall correspond with such people, and have an agent or agents appointed in each of

the said townships to receive subscriptions from individuals, and report concerning the same to the Secretary.

4th. *Resolved and carried,* That the Committee shall have power to direct payments to be made by the Treasurer, and if occasion requires, they may at any time call a meeting of township Representatives, to consult as to any unforeseen circumstance.

5th. *Resolved and carried,* That it shall be clearly understood, that all monies not applied to, or required for, the purposes in view, shall be refunded, in due proportion, to individual subscribers.

6th. *Resolved and carried,* That the District Representative shall consult with other Representatives, when assembled at York, as to a proper draft of an address to his Royal Highness the Prince Regent; and that a copy of the same be laid by him before the township Representatives of this district, at their first general meeting after his return from York.

7th. *Resolved and carried,* That this general meeting do adjourn till Saturday, the 25th July next, then to meet at the house of Uri Stone, in Elizabethtown, at the hour of twelve o'clock, and that the clerks of the several townships do then and there present themselves with subscription lists and money collected, to be paid over by them to the district Treasurer.

(Signed) THOMAS SMYTH,
Chairman.

A true copy, (Signed) JOHN KILBORN, Clerk.

The above minutes of meetings have been abridged, so as to exhibit only the dates, places of meeting, and names of office bearers. It was thought unnecessary to republish all the speeches, votes of thanks, and resolutions which appeared in the Canada newspapers; the pamphlet of Principles and Proceedings *affording sufficient samples. There were many other meetings in the Newcastle, London, and Home District, &c. which were not regularly reported.*

MR. NICHOL

AND

PARLIAMENTARY PROCEEDINGS.

It was singular that after a resolution was taken to devote part of the Appendix to Mr. Nichol and his Parliamentary Proceedings;—after a note, page 485, referring to No. 2 of the Appendix, was printed off; and on the very day that page 559 was going to press, marking the frivolity of provincial governors, that a packet from Upper Canada should reach me, fated as it were to clench what was then set up in type, and to give more full and striking evidence of that *silliness*—that compound of vanity and ignorance, which has cost, and is costing, this country so much money—the *silliness* of provincial governors and parliaments.

Mr. Nichol has for some years past been *gabber-in-chief* to the Provincial Parliament, and a sketch of his history and proceedings will assist in working up a useful picture of provincial silliness. Till the arrival of my last packet from Canada, I had hope of Nichol; I had hope that he had some solidity of understanding, and that for his own credit he would strike at something right and beneficial. Two or three months ago, a corre-

spondent in the United States wrote to me that "Nichol and Clark had behaved well." Alas, and alack-a-day! poor devils: they have cumbered themselves with much serving, and neglected *the one thing needful.* Just this time twelvemonths, after reading these words in London newspapers, "The late election for members of Parliament has terminated in the almost unanimous choice of persons who are the political friends of Mr. Gourlay" (General Introduction, page lix), I was naturally enough elated and sanguine, that what I so steadily and warmly pressed upon the consideration of the people in Canada would now be executed—that a commission for inquiry would be sent home as soon as the new Parliament met; and to keep my friends in mind of me—in mind of the grand object of all my endeavours in the province to press inquiry, I despatched a simple and sincere Address, to be published there, and there it arrived in sufficient time. In that Address to the people of Upper Canada, I expressed a hope that they had "*now* chosen those who will speedily repair every evil by sending home a commission to entreat from the Imperial Parliament an open, liberal, and thorough inquiry;" and saying, that "no one act of business should be entered on till this object is insured;" but what have they been about?—busying their *august* heads with absolute silliness: placing Nichol in the chair of a Committee, to deliberate, like goosecaps, on what can avail them nothing;

and letting another year pass away without manly reference to the British Parliament! A member of Assembly has written me that they have not money sufficient to send home a commission in the style proposed by me. Mercy on us! I wish I had sent them out a carrying pigeon, for that, with a simple petition tied to its tail, would have done the business at once: nay, had they but let alone —had they gone up to the Assembly, and sat with their hands across, it would have been well. In that case, the wind would have, by-and-by, blown out to them a commission of inquiry; but this committee-work is worse than nothing—it is silliness in the extreme, and provoking silliness. When the list of the new Parliament of Upper Canada reached me, soon after the newspaper report of the "almost unanimous choice of my political friends," my expectations fell wofully. Seven lawyers weighed heavy against the common sense of Upper Canada: but still there was hope. Now that silliness has prevailed, I must bid my political friends adieu, and think only of John Bull. He has still an interest in Canada, and a serious one. It is no joke for him to be paying out, instead of receiving, two or three hundred thousand pounds annually; and such would be the difference between bad and good management of North American colonies. Deserted then by the people of Upper Canada, and their silly representatives, I shall still go on, for the sake of the people of England, to unfold provincial silli-

ness, ignorance and vanity, and to urge inquiry into the state of the province.

In my second Address to the Resident Landowners (page 473), I speak of Parliament "wrangling about the expulsion of one of its own members," &c. and Governor Gore, dismissing the same Parliament (page 288), speaks of "an unusual interruption of business." Both allude to most shameful proceedings, in which Mr. Nichol took the lead. He had for a rival in the Assembly, James Durand, a person who had been sent out from London, by a mercantile house there, to manage some business in Upper Canada, and who had become a permanent settler in the province.

Durand, it seems, owing to some calumny raised against him, had been called upon by the people whom he represented in Parliament to justify his conduct, and had published a handbill, to secure the continuance of their good opinion, and the same was also published in the Niagara Spectator. I saw it in the shape of a handbill or placard; and, till I sat down to write this account, understood that it was an election puff. It was a long, vaunting, vulgar palaver, setting forth the writer's patriotism and independence in the exercise of his parliamentary functions—extolling his own "little bark," and running down with it the whole ministerial *line-of-battle*. Its effect was to make me smile at the writer's vanity; but it by no means heightened my im-

pressions of the meanness, corruption, and sycophancy of Little York: it fell short of what was said of Governor Gore's government, even by the outrageously loyal Legislative Councillors, Clark and Dickson.

This publication, however, stirred up the bile of Mr. Nichol to its highest pitch. Nichol assailed Durand; had him "*proved* to be the author of a false, scandalous, and malicious libel, scandalously reflecting on his Excellency the Lieutenant-Governor, the former House of Assembly, and of individuals who are now members,"—obtained a vote to imprison, and afterwards another to expel him from the House!! but the reader shall be treated with a perusal of the debate which took place on this mighty occasion, extracted from the Upper Canada Gazette of March 6th, 1817; and then some remarks may be made.

HOUSE OF ASSEMBLY.

Wednesday, Feb. 26, 1817.

COMMITTEE OF PRIVILEGE.

Mr. Nichol moved, that the House be a Committee of the whole, to take into consideration a publication in the Spectator, of the 14th inst. purporting to be an Address from James Durand, Esq. to the Independent Electors of the county of Wentworth, which Mr. Nichol pronounced to be a *gross, false, and malicious libel*, on the

late House of Assembly, and on *several Individuals who are now Members of this House*; his (Mr. N.'s) intention was to endeavour to put a stop to *a system of calumny* and misrepresentation, which had lately been *revived* in this Province, and which tended to bring the Government and Legislature into disesteem, and to expose them to the *ridicule, contempt, and hatred of the country.*—He had another object in view, which was, to vindicate the characters of those Members of the present Parliament who sat in the *last*, from the *false, malicious*, and he would say, *infamous aspersions*, which had been cast upon them in the publication alluded to. He was aware that the publisher might be prosecuted in the Courts of Law, and if convicted, be punished for the offence: but the supposed author of the libel, being a Member of that House, and sitting among those very persons he had libelled, a more summary process was necessary; not only *to defend them against future attacks*, but by their vindication, to place them in a situation to discharge with alacrity the important trusts delegated to them, or by bringing the charge home to them, to drive them with disgrace from a situation they were so unworthy to fill. The publication in question, which he had no hesitation in calling a most *atrocious libel*, and which had been by a Mr. Wilson, one of the parties libelled, very quaintly, and not inaptly, styled a *lie-bill*, had had a very extensive circulation, and the supposed author had taken every opportunity to disseminate it as widely as possible, charged all the Members of the *last* Parliament, himself and his colleague excepted, with having been actuated by *corrupt motives*, to agree to the Bill, for suspending, in certain cases, the Habeas Corpus Act; that they were influenced, by the *hope of participating in good contracts*, and by the *fear of losing Presidential favour*.—If these facts were true, which he (Mr. N.) positively denied, no good could be expected from their deliberations. *How could the author of that publication*

know the motives by which the Members were actuated? or does he presume to say, that he was the only honest man, the only pure Member in that House! Were that the case, the best thing the present House could do, would be, to enact a law, by which the whole Executive and Legislative power of the country should be placed in the hands of this immaculate Patriot, this pure and disinterested Statesman: let *him* be appointed Dictator, and then it was to be presumed every thing would go right; to be sure, some inconvenience might arise from this, in the event of the death of this paragon of perfection, for among so corrupt a set, where could a character sufficiently pure be found to succeed him?

The author, in another part of his *scurrilous and scandalous* production, accuses the Members of both branches of the Legislature of being unduly influenced by the Lieutenant-Governor, to pass a certain Bill.—This base assertion, he, Mr. N., positively denied, and considered the insinuation *a libel upon the Lieut.-Governor,* as nothing would tend more to degrade him in the eyes of the public, than holding him up as a person who would *practise corruption to carry a favourite measure;* and that it was, at the same time, a *gross, false, and malicious libel* on the Members of the *late* House, *many of whom were now Members of this.*

In the paragraph relating to certain Money Bills, he says, "*the whole House at this time seemed agitated by prospects before them, according to their various feelings —the tide of temptation at this crisis ran high—the terrors of the Bill were on one hand, good contracts were every day, and way, on foot on the other, and of course the man who opposed the President's will was for ever shut out.*" The author wishes *to make the people believe* that their *money was squandered away,* and that *he* was the only Member who opposed it. The Journals of the House, which Mr. N. here read, proved, however, the part he

had taken; and the Bill for granting a sum of money in aid of the Civil List, after having been some time asleep in the House, was again brought forward and carried through all its stages, by the zealous exertions of that very Member, who was one of the large majority of 16 to 6, who voted in favour of it.—The author, then, (to use his own words) was one of the Hungry Wolves, instead of being one of the Six Watch Dogs, whom he considered so necessary, to defend the rights of the People in that House. Mr. N. here appealed to the House, and asked if it were possible, that any Member could hesitate in calling the paper, *a false, scandalous, and malicious libel.* Mr. N. then quoted the *precedent of John Wilkes,* to shew, that the House had a right to take notice of offences committed, before they were in existence, and to try and punish any of their own Members, for offences which might be considered as libellous on the Government, the Constitution, or individual Members of the House. Mr. N. concluded by moving, "that the House do now re-"solve itself into a Committee of Privilege to take into "consideration, a certain publication in the Spectator of "the 14th instant, purporting to be an Address of James "Durand, Esq. to the Independent Electors of the county "of Wentworth, grossly reflecting on the late House of "Assembly, and on persons who are now Members of this "House."

Mr. Jones seconded the motion, after which Mr. Mc Nabb rose, and said that he did not consider the publication in question, to be libellous; he deprecated the discussion, and feared that too much time would be taken up with it; he endeavoured to palliate the conduct of Mr. Durand, and supposed he would make every apology to the House; he thought the Printer should be called on to prove the publication, having Mr. D.'s name.

Mr. Jones supported the first motion, and recommended that the sense of the House should be taken.

Mr. Nichol explained, and endeavoured to shew the necessity of the inquiry.

Mr. Durand expressed his surprise at the attack just made on him, which was altogether to be ascribed to the *malice of his accuser;* (he was here called to order) he did not consider the case of John Wilkes as applying, or being at all analogous; Wilkes having been convicted in a Court of Justice, and imprisoned for a libel. He declared *upon his honour, as a gentleman,* that he had no intention of *vilifying the character of any honourable Member of the former House;* the paragraphs read were partial selections from the publication complained of, which originated in a cabal, formed against him, while he was absent in the Bay of Quinty; and which was instigated by his former colleague, John Wilson; he had been called upon by his constituents to give an account of his conduct; and this publication was intended *solely as a vindication of himself;* it was not intended to have been published in the Spectator; and was merely written and circulated, for the information of his own constituents: he again *disclaimed intentional offence,* and said, was it likely, from his general conduct, that he had any intention to *publish a stigma on the late House?* It would be *incorrect* to say, from any one paragraph, that he intended *to hurt any one's feelings.* He here read several paragraphs, to shew that he complimented and thereby done justice to the House, and hoped that any expressions *inadvertently* used by him, would be overlooked. He then explained his meaning as to the terrors of the Bill, instanced the terrors of John Wilson, a Member who had left his duty in the House, saying, *the times were too dangerous for any person to open his mouth;* he did not mean to insinuate, that the Members were led away by the terrors of the Bill, but merely meant to represent a picture of the times: the whole charge a most ungrateful return from the honourable mover, whose cause he had defended on that floor during the last session;

he hoped the House would not be swayed by what that *honourable* Member had said, more particularly as he had instanced only one precedent, and that did not at all apply to the present case; he (Mr. D.) had not been tried and convicted; he was not the hero of Fort-Sclosser, nor had he petitioned the Prince Regent for a medal.

Mr. Burwell rose to say, that it was a very ungenerous statement, which the last Speaker had made, respecting John Wilson, who, to his knowledge, had asked leave of the House, on account of the sickness of his family; and that on his arrival at home he found his mother a corpse.

Mr. Nichol said, that on introducing this motion, he had confined himself to the paper only, and did not enter into the private concerns of the honourable Member from Wentworth; he did not know that that honourable gentleman could lay any claim to a medal; that if he (Mr. N.) had memorialed the Prince Regent for a medal, it was because His Royal Highness, through his Ministers, had promised it him. Mr. N. then replied to that part of the honourable gentleman's speech, in which he claimed indulgence for *inadvertency* of expression; said that any thing written and published, *is supposed to be done deliberately*, and after due consideration, consequently *inadvertency ought not to be allowed as an excuse;* with respect to the charge of ingratitude, Mr. N. supposed, that on the occasion alluded to, the *honourable* Member must have been convinced of the propriety of his (Mr. N.'s) conduct, otherwise he would not have defended it; if he were not, he paid a poor compliment to himself; as for himself, Mr. N. declared that personal considerations never had influenced his public conduct, and never, he hoped, would. Mr. N. then appealed to the House if he had made a garbled statement of the paper; he had read the whole from beginning to end, and then selected such passages as he

thought libellous, and these he had a right (and would exercise it) to select. The honourable Member, continued he, affects to be much hurt, that this precious production should be construed into a libel, and says that he will make an apology for what he had inadvertently done; *this however is not sufficient,* and if the House (which I hope it will) take this business up in a proper manner, it will teach him discretion, and make him more cautious in his remarks on the conduct of others, in time to come. The paper has long ere this reached Lower Canada; has gone into the United States; and what must the world think when they see a Member of the former Parliament, and who is now a Member of this, asserting publicly, that the Executive and Legislative branches of the Government were all concerned in corrupt practices? An apology is not sufficient, if accepted, it would shew the cheap rate at which every branch of the Government may be vilified; *condign punishment is necessary,* and the Commons owe it *to themselves, to the Legislative Council, and to the Lieut.-Governor,* to take a decided part in this question, and to make an example of the delinquent. The honourable gentleman on the right (Mr. Mc Nabb) says, that he does not consider the paper to be libellous, but *the opinion of the whole country is, that it is libellous;* had his (Mr. N.'s) constituents seen that paper, they would have *demanded his justification, ere they would have reposed confidence in him again.*

Mr. Durand declared, upon his *honour as a Gentleman,* that he had no intention whatever of charging any Member of the former house of Parliament, with any improper motive or conduct; and if it was seen in any other point of view he was very sorry for it.

Mr. Jones spoke strongly in favour of the House forming a Committee.

Mr. Durand said, that if Mr. Wilson considered himself

aggrieved, he had his means of redress as a private individual.

Mr. Nichol observed, that the passage relating to Mr. Wilson, was read to contradict an assertion made, that no *one* in particular was charged. The honourable gentleman had said, that he could not get admittance into the York gaol; the gaol is under the control of the Sheriff, who is responsible for the safety of the prisoners, and he may give any orders he thinks fit: had the honourable gentleman applied to the Sheriff, he might have procured admittance.

Mr. Howard was of opinion, that when a House of Parliament was dissolved, the Members must seek redress as private individuals.

The House then went into a Committee of the whole, Mr. Hall in the chair. Mr. Nichol stated the motive to be as above, to vindicate the character of the late House, which had been wantonly, cruelly, and unjustly aspersed, read the definition of libel by Blackstone, from whom parallels were drawn; the Committee desired to weigh well the words of that author; the House to be compared to Magistrates; any thing written is supposed to be deliberately and advisedly done at the desk: in the paragraph respecting the District of Gore, he might have added that it would afford new offices; he charges the House with being influenced by improper motives; let him state the means that were made use of to influence them. On the subject of the money appropriations, he asserts that had he opposed them, he would have been a scape goat; one of the most important of those bills was brought in and supported by himself, it may therefore be supposed by the secret intrigues he mentions; it is necessary that the Members should be condemned or acquitted.

Mr. Nichol then moved the following resolution:

Resolved, That it is the opinion of this Committee that

the publication in the Spectator of the 14th instant, purporting to be an Address from James Durand, Esquire, is a *false, scandalous, and malicious libel.*

Thursday, February 27.

Mr. Nichol said, that he was not aware, yesterday, that the honourable Member would have acknowledged himself the author of the publication; he therefore moved for leave to withdraw a part of the motion made yesterday, and substitute, "the acknowledged Address of James Durand, Esquire," and the words, "a libel, upon the *Executive Government*, and the honourable *the Legislative Council of this Province.*" *No individual Member of this House ought to be allowed to vilify any Member of the other House;* and as that honourable House cannot interfere with, or punish any Member of this, *ought to shew its anxiety* to do them a merited justice.

Mr. Durand doubted the competence of this Parliament to take notice of any offence committed against a former House, and shewed the necessity of ascertaining this point; proper precedents required; the libel denied; and asserted the publication in question was not a copy of what he sent to the Printing-office; that no proof-sheet was sent to him; and that it was promulgated without his consent.

Mr. Mc Nabb required, that the Printer should be sent for to prove the publication Mr. Durand's.

Mr. Nichol observed, that the honourable Member had a happy talent of versatility; he had yesterday acknowledged the whole to be his production, and had read such parts as he considered necessary for his justification; *Dr. Sacheverell's case* in the reign of Queen Anne produced as a precedent, to shew that a House of Parliament could take up a question at any time; *personalities ought not to*

be allowed; wished the question to take a wider scope than was at first judged necessary; *no motives ought to be ascribed for any person's conduct other than those allowed.* Mr. N. wished that a return could be made to those who had (to use an emphatic phrase of the honourable gentleman) shared in the loaves and fishes.

Mr. Durand was desirous that such a return should be made; insisted that no precedent at all applicable had been produced; that the laws of the country and the laws of honour were open, if any gentleman thought himself injured: again disclaimed any intention of hurting the feelings of any individual of the former House, and referred to the Speaker's opinion.

Mr. Nichol said, that the publication alluded to did not make its appearance until the 14th instant; that at the time he was on a journey, and only saw it by accident, several days after; therefore he could not have been long preparing this charge, and utterly disavowed any malignant intentions; and that a crime passed with impunity was an encouragement to persevere; that he was surprised that any Member of that House should make an appeal to what were called the laws of honour; his constituents sent him there to be their Legislator, not their Gladiator.

Mr. Jones adduced authority from Blackstone, to prove the right of the House to make this inquiry, in order to prevent bloodshed, &c.; the paper contained a libel on the Lieut.-Governor, and on J. Wilson, not only as an individual but a Magistrate. A libel need not to be direct, to constitute it such. Blackst.

Mr. Durand asserted that the House had no authority to try him, and it should be done by an impartial jury, which this House could not be, from several of the Members feeling themselves implicated in the charge, and that those Members ought to retire during the discussion.

Mr. Mc. Nabb could not see that this was a libel, as

there were no malicious intentions, no injury done, nor any breach of the peace.

Mr. Nichol. *The precedent of Great Britain,* to shew how the House ought to proceed, and not the dictum of the person accused; Sir Francis Burdett, and other cases given as precedents; the malice to be proved by the publication; *honour demands* that all the Members should remain to decide the question.

Mr. Durand read the passage relating to martial law, to shew how he had commended the virtue and feelings of the late House; said he had not the slightest intention of calumniating the Governor, as the address would shew; how can it be said that he has libelled the Governor; can it be denied that he has influence? does not say that it is an undue influence: here Mr. D. paid the highest tribute of respect to the Governor: gave his (Mr. D.'s) opinion on the suspension of the Habeas Corpus Bill; did not state what the prospects were, that they were agitated by; he stated that they were *variously* agitated, therefore not a general calumny; did not mean to say that the Members were swayed by contracts; he protested against his accuser sitting against him on his trial, and that unless malice could be proved, it was no libel.

Mr. Speaker rose to say, that no explanation in this House would do away the malice of the publication; the paper was before the world, which would draw its own inferences; he thought that there was no doubt of its being a *libel upon the Lieut.-Governor, and the honourable the Legislative Council,* but was not prepared to say, how far the House could take cognizance of a libel against any former House of Parliament.

Mr. Durand moved that the Committee do now rise, report progress, and ask leave to sit again on Saturday.

Mr. Nichol objected to the motion, so much time having been already occupied on this question, and the sooner it was decided the better.

Mr. Durand alleged, that he had not had an opportunity to make a proper research for precedents, &c.

The motion carried.

Tuesday, March 4.

Mr. Hall reported, that the Committee had agreed to a resolution, which he was directed to submit to the House.

The question for receiving the report was carried, and the resolution adopted as follows:

Resolved, That James Durand, Esquire, a Member of this House, is the Author of an Address, published in the St. Catharine's Spectator, of the 14th February last, which is voted by this House to be a false, scandalous, and malicious libel.

Mr. Nichol moved, (seconded by Mr. Jones), that James Durand, Esq. Member of this House, having been proved to be the author of a false, scandalous, and malicious libel, scandalously reflecting on the conduct of His Excellency the Lieutenant-Governor, the former House of Assembly, and of individuals who are now Members of this House, be committed to the common gaol of this district.

In amendment to which, Mr. Mc Nabb, (seconded by Mr. Howard), moved, that after the words "this House" in Mr. Nichol's motion, be all expunged, and "that James Durand, Esq. be forthwith called to the bar of this House, to make an apology, and that the same apology, when made, the Speaker do order the Clerk of the House to have the same published in the Upper Canada Gazette, in the St. Catharine's Spectator, and the Montreal Herald," be inserted. Carried in the negative, by a majority of three.

The original question was then put, and carried in the affirmative by a majority of three.

Mr. Nichol then moved, seconded by Mr. Jones, that the Speaker do issue his Warrant for the commitment of James Durand, Esq. to the common gaol of this district, during the present session.

Carried in the affirmative by a majority of four.

A more disgusting and melancholy picture of the political state of Upper Canada need not be exhibited than what is now before us. The newspaper from which the extract is taken, was put into my hands by the Editor just three years and eleven months ago. I then glanced it over, and since then it has lain by me among a hundred others. I did not then, nor till now, minutely or critically examine its contents. On the first reading they impressed upon my mind notions of the Upper Canada parliament which never left me;—I need scarcely add, notions of extreme contempt. At that time I. knew little of the persons of the drama—the *honourable* gentlemen who figure before us upon libel; and, no feeling of reproach towards them, on this account, had then, or till now, taken hold of my mind. What poor, vile, and virulent creatures do some of these men now seem to me, after I know them in connexion with circumstances, and reflect upon the mischief which has resulted from their ignorance and vanity!

When writing page 485 of this volume, I was desirous to shew off Nichol to the best advantage.

My feelings towards him had as yet been little affected by the part he had taken against Durand; and I was willing to bury in oblivion his having joined in a vote of Assembly,—a most iniquitous and false vote, that a production of mine was "scandalous, malicious, and traiterous." I could have forgiven and forgotten all for the sake of Upper Canada, and the mighty good cause in connexion with it; but there is neither safety nor hope in any compromise with ignorance and vanity. Let the reader note the import of these words repeated. By choosing them, I impute no *crime* to those whom I mean to expose. Scandal, malice, and treason imply crime of the deepest dye. My charges and exposure shall proceed only on sure grounds—only upon what can be proved, or is self-evident. My object will be to show that the Parliament of Upper Canada is incompetent for any good—that its leaders are ignorant and vain; and that hence proceeds silliness—silliness which incurs expense to Britain, while it is ruinous to the province, and fatal to its lasting peace. Nichol had created in me some degree of respect, from his having moved the Resolutions of April, 1817; and of late, as stated above, one of my correspondents in the United States had reported to me, that, "Nichol and Clark had behaved well." Behaved well! it could not be. After studying the foregoing debate, I pronounce it impossible that Nichol could behave well. Guided by gross ignorance, and inflated with vanity, it was quite impossible. This debate on libel, put in connexion with the

documents now received from Upper Canada—the FIRST REPORT of the *Parliamentary Committee*, and the *Gazette*, will, indeed, make out my case; they will, I hope, by enabling me to expose silliness, lead to important results—to a thorough inquiry into the causes which produce such monstrosities—an inquiry into the state of Upper Canada.

Before making remarks on the notable debate here reprinted, it is proper to state that the Editor of the Upper Canada Gazette informed me that one of the parties (Durand of course) complained that the report was not correct. It was, in fact, an *ex parte* report, furnished, I believe, by Durand's accusers and persecutors. It is, however, correct enough for its present purpose. The accusers of Durand would report nothing which *they thought* injurious to themselves; and it is now their turn to be tried, not before the public of Upper Canada, but before a more enlightened, impartial, and dread tribunal—before the British public.

The first question I would ask, looking to the record, is this: to whose side does *malice* seem most to lean; to that of Nichol or Durand?—to that of Nichol, who again and again makes the direct, positive, and persevering charge of malice against Durand; or to that of Durand, who protests against such charge, who "disclaims all intentional offence,"—who repeats this, "upon his honour as a gentleman;"—to that of Nichol, who could *not* be sure that Durand's publication was malicious; or, to that of Durand, who alone could be *sure*?

For my part, I do not believe that malice urged Durand to write his vapouring placard. He thought, I believe, only of himself in writing it. Vanity, and a desire to secure the applause and good-will of his constituents, were, no doubt, his chief goads. The worst part of it is, of course, exhibited: viz. that "THE WHOLE HOUSE, AT THIS TIME, SEEMED AGITATED BY PROSPECTS BEFORE THEM, ACCORDING TO THEIR VARIOUS FEELINGS: THE TIDE OF TEMPTATION AT THIS CRISIS RUN HIGH; THE TERRORS OF THE BILL WERE ON ONE HAND, GOOD CONTRACTS WERE EVERY DAY AND WAY ON FOOT ON THE OTHER, AND OF COURSE, THE MAN WHO OPPOSED THE PRESIDENT'S WILL, WAS FOR EVER SHUT OUT." I do not say that it was becoming in a Member of Assembly to publish these words; but they certainly give an excellent picture of the Upper Canada Assembly, and for this reason I display them in larger type, that the impression may be more permanent and strong on the reader's mind. Durand's fault lay not so much in publishing these words as in apologizing for having done so. I was not a month resident in the province, when even a worse picture than this was imprinted on my mind. About that time, I asked a Justice of Niagara District (Mr. Crooks of Grimsby, may, perhaps, remember it) why he did not get a seat in the Assembly, and correct abuses. "I am not," said the magistrate, "sufficiently a

blackguard to have a place there:" and, about the same time, a Legislative Councillor informed me (Mr. Thomas Clark will perhaps remember it) that a certain Legislative Councillor and a certain Member of Assembly were in the habit of lodging together at York during the sitting of parliament: that one of them quarrelled with the Lieutenant-Governor while the other had a favour to ask; and that, to secure the favour, it was deemed expedient for the friends to part company and lodge in separate houses, that the evil eye of power might not prove injurious to the suppliant, because of his intimacy with his friend then under the cloud! Is it to be supposed that Nichol was ignorant of such doings, which were notorious "every day and way?" O, no! my experience and information lead me to think quite the reverse. His fiery zeal against Durand never could be kindled up by pure virtue and patriotism; "charity thinketh no evil, and is kind." In my mind, now that so much is before me—now that I weigh all my information together, first and last received, there is an impression that conscious participation in the mean and sycophantish ways of Little York may have awakened in him the spirit of persecution; or, to say the least of it, that the rays of ministerial favour had blinded discretion, and left self-love to run riot against reason and benevolence. We see men connected with power every where running mad; and, silly people under government influence and protection, must have a special dispensation. It is not malice that

actuates these men. It is a sort of instinctive self-interest, or sometimes, perhaps, "the very error of the moon." It was something of this sort which urged on Saul to persecute the followers of Christ, while yet he was an infidel: it was zeal in a bad cause—blind and unrighteous zeal. Now that I have proof before me of Nichol's *thorough ignorance* on the face of the documents just now received from Upper Canada, I can readily conceive how he deceived himself in persecuting Durand. Self-love, vanity, a desire to please the Lieutenant-Governor and Legislative Councillors, were quite sufficient to stir up, in a little mind, confused notions of duty—to make Nichol play the tyrant and the fool.—But, let us get on.

The reader will observe that there is not a single count among the charges against Durand which goes to his having libelled the existing Parliament, or any way disturbed its quiet—of his having committed any offence, which, according even to the usage of boroughmongers, could rank as breach of privilege. The counts are these: for libelling the Lieutenant-Governor, the Legislative Council, and individuals of the Assembly, regarding their conduct in a *defunct* Parliament; and the recorded vote finds him guilty of "scandalously reflecting on the conduct of his Excellency the Lieutenant-Governor, the former House of Assembly, and of individuals who are now members of this House." Was there ever such unblushing effrontery—such silliness! Had Mr. Fox been still alive—Mr.

Fox, who pleaded so warmly for the popular rights of Canadians, what would he have said, when he found the Representatives of these Canadians converting Parliament into a judicial court for trial of offences with which Parliament had nothing to do? Would he, after such experience, have thought it material whether the Legislative Council was elective or not? No: he would have looked about him; thought a little more of human nature; and, on studying this, would have perceived that in a state of ignorance it is good for nothing—in a state of ignorance conjoined with temptation and vanity, worse than nothing;—base, beastly, and treacherous. He would have considered in what circumstances legislators of Upper Canada were to be placed; and would have made sure first to order as to those circumstances before he took thought of the mode of appointing legislators. He would not have been contented with quoting a mere maxim as to "property being the true foundation of aristocracy," and he would not have trifled away time with school-boy reflections on the framing of governments: he would have first made inquiry as to the disposal of property—into the power and patronage of the crown—so unbounded in the provinces, and especially in the province of Upper Canada: he would have first made sure of having these matters taken care of, and then made a study of the *form* of government. Frame a government which way you will: compose it of two, three, or more assemblies; and set a governor over it with power to give away

land at pleasure to immeasurable extent—to dispose of all places and pensions—to make and unmake magistrates—to appoint militia officers, custom-house officers, inspectors, schoolmasters, registers—to grant licences, pardons, and I know not all what;—to be worshipped as "His Excellency," and to have sufficient means to provide dinners and drink to all and several, suppliants and sycophants:—then, even the veriest babe on earth, representing his Majesty, may make ignorance triumph over wisdom, and vanity go on for generations, fomenting vexation of spirit.

While the Assembly had not the slightest authority to proceed as it did;—while any free-thinking savage could have determined that its acts were arbitrary and wrong, we find Nichol searching for precedents to bolster up its infamous proceedings, and carrying his point by referring to Blackstone, pointing back to the reign of Queen Anne, and palming upon his compeers the persecution of Wilkes as worthy of example!!! What would Mr. Fox have said to all this?—Certainly had he moved at all in the matter, it would have been worthy of him to have gone out to Upper Canada, purposely to kick the dirty fellows of Assembly into Lake Ontario: at least it would have been justifiable.

Every body in this country is familiar with the case of John Wilkes: every body knows that were a member of the British Parliament to refer to it as a worthy precedent, he would be hissed out of the vilest rotten borough in the kingdom.

Among the *free* people of Upper Canada, however, and in their *august* Assembly, Mr. Nichol triumphs in his audacity, and is again returned to Parliament as a representative of these people!—For the information of his constituents against another election, I must here be excused for sketching the history of Wilkes.

Wilkes had some share of learning and genius; but was not an amiable man. He mal-treated his wife: he published an obscene poem, called an Essay on Women, and No. 45 of the North Briton, a periodical work; so offensive in their nature, that the best of men, Pitt, afterwards Lord Chatham, denounced him as "the blasphemer of his God and the libeller of his king." For these publications Wilkes was arrested, and committed to the Tower. This proceeding against him was illegal: he was liberated: he prosecuted for false imprisonment; and obtained damages. He republished his offensive writings; was regularly prosecuted, found guilty, and sentenced to fine and imprisonment. Being a member of Parliament, he eluded the sentence of the law: he bemeaned himself by soliciting pardon from the King: he did much that was wrong; but still, because he was persecuted, and illegally treated by Ministers of the Crown, his constituents adhered to him, and "Wilkes and liberty" became the popular watch-word of the day. He was expelled from Parliament by the persecuting spirit of the ministerial party; but, still, he had the people for his friends. They returned him again

and again to Parliament, till at last the enemies to constitutional freedom had to yield. Wilkes became useful to his country, and at last, even the odious resolutions against him were erased from the Journals of Parliament.

We must suppose, in charity, that Nichol himself, as well as his constituents, were totally ignorant of the history of Wilkes, and of the patriotic spirit of the people of England, which, independent of all the faults of Wilkes, enabled him to triumph over arbitrary power. But how inveterate is that blindness, which imagines that people in the lower province and in the United States, "the world," would think the worse of the government of Upper Canada, because of Durand's publication in the Spectator, and yet give publication, in the Little York Gazette, to the above parliamentary proceedings!!! The noble government of the United States has for many years past been above every thing like libel; and, has now expunged the word *sedition*, from its political vocabulary. Libel against government, or its servants, can have no existence where government is pure. It was only after the Roman people became slaves to emperors, that prosecutions for libel multiplied; and after the Jews were subjected to the Roman yoke, then, forsooth, these scandalous wretches accused even Jesus Christ of sedition;—then it was, that, for speaking the truth,—for reproving their sins, and making free with their lawyers, their priests, and their governors, that, these *servants of servants*, with *provincial* baseness, set a crown of mockery on the

head of their meek and unoffending countryman: gave him up to be butchered by a foreign soldiery; and rejoiced in his death!!!

As soon as the Speaker had power by his warrant to arrest Dúrand, he, not unfairly*, made his escape from the fangs of his enemies. He got clear of

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* I have said "*not unfairly*," and conceive it right to call further attention to the expression. It is perfectly fair to *escape* from the fangs of oppression: not so, I think, to escape from justice, whatever be its decree. A criminal condemned to death in Scotland, bolted the door of his cell on the day of execution, and caused no small trouble before he could be got out. In the mean time his mother heard of his resistance, and coming to his prison door, called to him, "Johnny, come *oot* and be hanged, and *dinna angre* the *laird*." In this case both the man and his mother were wrong. He was wrong in act, and she in argument. Had Sir Francis Burdett or Mr. Hobhouse made their escape from the Speaker's warrant of arrest, I presume they would not have been expelled; but doubts would have been started as to the manliness of their conduct. Nobody will blame Durand for escaping, for nobody will deny the injustice of his sentence. Every step taken against him was wrong;—was infamous; and a lodging in "the common gaol of this district," was very far inferior to comfortable apartments in Newgate or the Tower. The gaol of Little York is a filthy log-house, and the case of poor persecuted Willcocks, who experienced its horrors, may here be very properly introduced, to give the reader fuller information with regard to the parliament of Upper Canada. The following are extracts from his newspaper.

"the common gaol of this district;" but the persecuting spirit of Nichol and his compeers was still

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"UPPER CANADA GUARDIAN.

"*Friday, February 6th*, 1808.

"Mr. Willcocks, Member for the first Riding of the County of Lincoln, the West Riding of the County of York, and the County of Haldimand, was on Saturday last tried before the Commons House of Assembly for having made use of (in the house of Mr. Glennan, of York) some disrespectful language of the members—found guilty, and immediately committed to the common gaol of the Home District, there to remain during the sitting of Parliament.

"We are informed by a gentleman who visited Mr. Willcocks after his committal, that he was closely confined in one of the cells, where every office of nature is obliged to be performed, there being no convenience.

"We have not yet received the particulars of the trial from Mr. Willcocks, but expect them hourly, if he is allowed the use of pen, ink, and paper. All casual accounts perfectly agree that Mr. Willcocks is most cruelly and unjustly treated. It has been stated, but we will not say by incontrovertible authority, that no prosecution would have commenced were there not some favourite Bills to be passed in the House, to which Mr. Willcocks was warmly opposed. He had also given notice that he would on Thursday bring in a Bill to repeal the ever-to-be-detested School Act*; but, strange to tell, the day after he obtained leave to bring in the Bill, he was sent to a dungeon in the gaol. Upon this extraordinary circumstance we shall for the present make no comments, but pass it over in solemn silence."

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* This alludes to the District School Act, page 235, which was always looked upon by the people as a mere excuse for increasing patronage, giving the Lieutenant-Governor the entire controul over eight persons, with £100 per annum each. Mr. Crooks gives a just account of these schools in page 433, Vol. I.

alive. They sent for the editor of the Spectator, and proved to *their* satisfaction, while Durand was

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" *Friday, March 18th,* 1808.

" *To the Electors of the West Riding of the County of York, the first Riding of the County of Lincoln, and the County of Haldimand.*

" GENTLEMEN,

" Previous to the publication of this letter, you have no doubt been informed that I am in close confinement in the gaol of the Home District by vote of the House of Assembly of this Province. Such a very singular proceeding must naturally call forth the attention and consideration of every independent elector of the colony. In order to remove anxiety, and to prevent misrepresentation, I shall therefore, as concisely as possible, lay before you a plain, unadorned statement of facts, by which you will be enabled to judge of the impropriety of so extraordinary an extension of power.

" Some few days after the opening of the present session of parliament, Captain Cowan gave notice to the House, that he would move on the Wednesday following, ' That the House should take into consideration a slanderous paragraph that appeared in a newspaper styled the Upper Canada Guardian, or Freeman's Journal, marked No. XI. and edited by Joseph Willcocks, a member of this House.' He stated ' that the paragraph amounted to an accusation, that the Members of the House of Assembly had been bribed by the Governor with land to vote against the interests of their constituents; and, in his opinion, the assertion was as remarkable for its boldness as it was destitute of foundation.'

" I immediately rose and stated to the House, ' That an information had already been filed against me by the King's Attorney-General, for the publication of the very paragraph the honourable Captain alluded to; and that, in my opinion, it would be the height of cruelty and injustice to carry on two prosecutions

not present, to disprove or explain, that he had prevaricated; and, thereupon, expelled him from the House!!

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against me at one and the same time, for one and the same publication; and I denied that I ever inserted in my paper that the Members of the House were bribed; and even if I had made an assertion of the kind, the House ought not to call me to account for it, as their decision would materially influence the minds of the jury.' Hereupon some cursory conversation took place among the members, but nothing further was then decided upon.

"On the appointed Wednesday, February 3d, Captain Cowan thought fit to decline making his intended motion, but stated that as the House was not full, and some of his friends absent, he would postpone his motion to a future day.

"Some short time after this I happened to be at the house of Mr. Glennan, in York: a Mr. Wilmot and a Mr. T. G. Simons were present; and, in the course of a jocular conversation, the laugh turned upon my lucky escape from the prosecution of the House of Assembly, and I was asked by Mr. Wilmot, how it happened that the prosecution dropped. I jocularly said, 'that the member was afraid to bring it on, as his friends had left him,' and that I in some measure regretted it, for I was fully prepared to meet him, and would have shewn by a member of the House that every member of the first Provincial Parliament received twelve hundred acres of land;' but I did not say as a *bribe:* nor did I mean it as such. This I most solemnly declare was the language I made use of respecting the members, when I was at Glennan's, and for this language I was put upon my trial. But those peace-making gentlemen who were present at the conversation, and who afterwards appeared before the House as witnesses against me, thought fit to misrepresent (for good purposes, no doubt) both my language and my meaning, and stated at the bar of the House (but not under the solemnity of an oath) that I declared the members were afraid to proceed in the prosecution they had commenced against me; and that I was sorry they did not, for I could

The constituents of Durand very properly resented the abominable conduct of the Assembly.

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prove by a member of the House, that all the members had been *bribed* by Governor Hunter.

"Upon this perverted and unauthenticated testimony, Captain Cowan moved (Saturday 20th ultimo), seconded by Mr. Sherwood, 'that it is the opinion of this House that Joseph Willcocks is guilty of the charges brought against him.' The question being put by the Speaker (Mr. Mc Donnell,) it was carried without a division. Captain Cowan again moved, seconded by Mr. Sherwood, 'that Joseph Willcocks be committed to the common gaol of the District, there to remain during the sitting of parliament.' This question being put by the Speaker, was also carried, and I was immediately sent to prison, where I now am, and what is still worse, deprived of every privilege that malicious power can withhold. As a proof of the misconception and incorrect statement of the informants (for they cannot be considered as witnesses when not under an oath), I have only to refer you to that paragraph in the Guardian which expressly states, that Governor Hunter DID NOT *bribe the members of the House of Assembly*: and what is still more convincing, Governor Gore, by some strange perversion of language, took that paragraph completely, though improperly, to himself, and *obliged* the Attorney General to file an information against me for the same.

"In my humble opinion, this distinctly proves that the testimony (if it can be called such) of Dr. Glennan and Mr. Wilmot, must be either unintentionally incorrect or wilfully wicked. Indeed there were two or three glaring contradictions in the evidence of those gentlemen, that would in a court of justice have destroyed the veracity of the whole; but in a court of parliament was considered as nothing.

"The only persons who appeared against me upon the trial were Messrs. Glennan and Wilmot. Mr. Simons was sent for express by the Honourable Speaker, but did not arrive in time to support the veracity of his brethren, although he was the foremost and most active in framing the information.

They took the earliest opportunity to re-elect him; and had he confined his censures to government,

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"It is with much reluctance I have to state, that during the whole course of my life, I never saw a prosecution conducted with more evident disadvantage to the defendant, than that which was carried on against me by the House of Assembly. I implored the House to have the witnesses sworn, but this benefit was denied me. I had but one clear day's notice of the trial; and when it did commence, I was not permitted to put a single question to a witness that was at all likely to make him contradict or invalidate his testimony; for the Messrs. Boulton and Sherwood were ever upon the watch to prevent any questions being put that would draw forth either inaccuracy or inconsistency from the witnesses. Indeed the acrimonious and personally abusive language made use of by these gentlemen, was such as we would not expect to hear in a court of justice, much less in a court of parliament, particularly the latter (Mr. Sherwood), in displaying his oratorial powers by a wanton attack on (that great blessing of the people) the freedom of the press, and audaciously declared the Upper Canada Guardian a pestilence in the land. This single expression is sufficient to shew the people of this province Mr. Sherwood's political principles, but his and Mr. Boulton's are known already so well, they require no additional comment.

"Thus by the common tale of some of my inveterate and vindictive enemies, am I committed to a common gaol, and you deprived of the advantages of representation; and neither of us left any possible means of redress. It is not the intended victim, in this instance, that suffers. It is the public, whose welfare and tranquillity are violently attacked, for what is my case to-day, may be the fate of every opposition member of any subsequent parliament; and I sincerely hope my prosecutors may never see the day that any of them will be tried by the same rule they have condemned me.

"Were I the only unhappy sufferer labouring under unmerited oppressions, I could bear the evil with that fortitude and patience

and the creatures thereof, he might, perhaps, have still been a member of parliament. Instead of this,

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which befit a rational being, and tacitly submit to the disgrace; but when the interest and dignity of a valuable and independent people are wantonly injured, where the liberty of a British subject is maliciously destroyed, and where so respectable a body of freeholders or people as I have the honour to represent, are cruelly deprived of the advantages our glorious constitution has given them, I should conceive myself more than criminal, and undeserving the name of Representative, did I not indignantly resent it, and for this good reason—that a too ready submission, often occasions a repetition of the same evil.

"It has been stated by the advocates of despotism (as a palliation I suppose of this outrage upon your rights), that the loss of one member out of the House of Assembly is a mere nothing; and cannot be productive of any evil to the people; but those advocates ought to know that a single vote in the House may prevent a whole nation's slavery. I must here repeat, though you are deprived of the advantages of representation, and I of my liberty, it is my clear and decided opinion, that no house of parliament whatever ought to exclude a member from the actual discharge of his duty in that House, without the strongest possible conviction of guilt, and even that guilt of the highest consideration, not such as has been attempted (by the mere *say so* of my revengeful enemies), to be proved against me.

"I was particularly anxious to have the witnesses sworn, for I was convinced it would have saved the House from much public animadversion, and me from imprisonment; or it would in some measure at least have exonerated the members from any appearance of partiality. By saying this I do not mean to impute partiality or injustice to the *honourable members* of the present House of Assembly: far from it; but I mean what I say to be understood, 'That agreeable to justice and the dictates of reason, no man ought to be deprived of liberty or property upon any charge whatever, without the solemnity of an oath to substantiate the charge.' And here I would remind the public, that the House of

he made a wanton attack upon me after I was illegally confined in Niagara gaol. He, in his turn,

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Assembly were neither ignorant of the legality, nor unused to the adoption of this doctrine, for in the case of Mr. Mallory's contested election last session, the witnesses who appeared were solemnly sworn at the bar of the House, before they were permitted to utter a single word; but the witnesses who appeared against me, where right, liberty, and property were at stake, were positively forbid, under the idea that the House had no right to administer an oath to a witness—gentlemen of short memory, indeed, to forget the proceedings of the House in one year! I should be glad to know where the man is now who can say he is secure in person and property, when both can be sported with at the pleasure of every idle tale-bearer.

"Be assured, Gentlemen, I feel, upon the present occasion, as I ought to do; and although a torrent of oppressive and unconstitutional authority has driven me to prison, and prevented me from the legal discharge of my parliamentary duty, I will not be dismayed, nor will I ever abandon those principles of loyalty and justice, which I owe to my king and country, and which have influenced my conduct ever since I came among you. It is not my intention, Gentlemen, by a recital of sufferings, to influence or irritate the minds of an injured, insulted, and loyal people. No: but it is my intention and my wish to impress upon the public mind the indispensable necessity there is of sending men to the new parliament, whose livelihood or prospects in life do not depend upon the will or caprice of any tyrannic individual, and whose principles are unambitious, and beyond the reach of corruption.

"Although past moments cannot be recalled, past errors may be repealed, and by having an upright and independent Parliament, we not only shield ourselves from a repetition of insult, injury, and oppression, but lay a foundation of happiness and security for rising generations. The husbandman who plants the acorn, proudly and independently says to himself, "I shall not profit by my labour, 'tis my posterity that will enjoy the benefits of the

became the sycophant and the advocate of oppression; but he took the wrong sow by the ear, and got ripped up, as he richly deserved. Thus, though I have exposed Nichol, it may be believed that I have done so from no favour to the man whom he persecuted.

The history of Mr. Nichol will now improve my *exposé*, and it will soon be told. He was from Scotland, a ship-boy on board a Montreal trader; and, on his arrival at that port, being a spirited little fellow, made off for Upper Canada, sovereign lord of a bundle. Getting to Queenston, he found his cousin, Thomas Clark, (my informer) now of the Legislative Council, then serving in the store of his cousin, the Honourable Robert Hamilton, ready to receive and introduce him to business. Nichol, being active and industrious, got on from keeping shop for another, to keep shop for himself; and, at last, settled in the London District, from which he was sent as a representative to parliament. During the war, Nichol being social and talkative, ingratiated himself with British officers, and was useful to them, by having a thorough knowledge of the roads and paths through the country. He got appointed to be quarter-

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oak." And that your posterity may enjoy the benefit of your independent and meritorious labours, is the fervent prayer of, Gentlemen, your much obliged, and very humble Servant,

"JOSEPH WILLCOCKS.

"*Home District Gaol,*
"*March* 6, 1808."

master general of the militia, and withal was zealous in the service. As a politician he gained upon the good graces of Governor Gore, and was said to have no small influence over him. On my first visit to the Perth settlement, I heard for the first time of Nichol. Some officers, with whom I was there in company, talked of a *favour*, which one of them meant to apply for at Little York. "I shall," said he, "get Bobby Nichol to speak for me." Nichol's influence was at its height when he assailed Durand; and the very tone of his language gives evidence of the uplifted man. We may observe too, that the Governor's favourite can use the utmost licence in abusing the opposition member. Nichol, again and again, charges Durand with malice, and aggravates the charge with every virulent expression: the moment that Durand accuses Nichol of malice, he is *called to order.* Suppose Durand to be the worst man in existence, the treatment he received is quite conclusive against his enemies.

Jones, who seconds Nichol, is a wretch of the vilest species. When the people of the Johnstown District were about to meet peaceably and quietly, to deliberate as to the propriety of sending home a petition to the throne, this wretch rode from township to township to dissuade them from their virtuous purpose: told them that they had *no right to petition, but through the medium of their representatives in parliament;* and to distract attention from the grand object of inquiry, palmed upon them a sham petition to the Assembly for

the redress of grievances. This wretch, who seconded Nichol in his odious persecution of Durand, was the first to propose a law to abridge public liberty in Upper Canada—to prevent the people of that country from meeting by deputy! and the people have again returned this wretch to parliament as their representative!! Thus, *parliament and the people* are worthy of each other. The *wretch* in question is Jonas Jones, of Brockville, lawyer. This *lawyer*, for now that his professional appellation is before us we may drop the lesser term, opened the pleadings against me at the assizes for the Johnstown District, in a prosecution for my publishing the words which are distinguished in pages 581 and 582 by italics; and after losing his plea before a jury, attacked the same publication as libellous in a parliamentary harangue*!

* When Sir Peregrine Maitland called together his first parliament, he alluded very odiously in his opening speech to the proceedings of the convention; which convention had referred their cause to him in confidence; and a debate arose in the Assembly as to the reply which should be made to the opening speech. Two of my friends, who had been of the convention, attended in the Commons House of Assembly, and took notes of what fell from the honourable members in debate. Of these I shall here present the reader with a sample, that he may discover my *law precedent* for using the term *wretch* so frequently as I have done above. The article is copied from the hand writing of George Hamilton, Esq. one of my *political friends*, who now sits in the Assembly as member for Wentworth in the room of Durand. It is a valuable authentic document, in the way of exhibiting the character of the Upper Canada Commons House of Parliament,

Having thus far given a view of the Upper Canada Parliament, and its proceedings, the reader shall be presented with further parliamentary records.

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and may assist my endeavours to procure inquiry into the state of the province.

"*Durand.* Gourlay's productions libellous. His followers "honest, loyal, and most respectable men: so much so, that there "were many present unworthy to sit down with them. They "stood forward, and almost alone, in defence of their country. "The convention was a natural excrescence, growing out of the "liberties of the subject. Recommended in reply to the Go- "vernor's speech to allow it to dwindle into its native insignifi- "cance."

"*Jones.* Gourlay, a *wretch*, guilty of sedition. His produc- "tions libellous. His followers the most loyal and honest men. "Views with indignation the attempt to organize sedition."

"*Howard.* Gourlay a great seducer, could persuade the peo- "ple to any thing. He (Howard) had opposed Mr. Gourlay, "and had stated to the people that they had no grievances: that "they (the people), threw up to him the grant of 3000l. to the "late Lieutenant-Governor: that this he could not deny."

"*Burwell* said, he cared not for the people's opinions. As a "proof of Mr. Gourlay's evil intentions he instanced the expres- "sion in one of his addresses, '*surely when the blood of Britons "has ebbed to the lowest mark, it will learn to flow again*,' which "he undoubtedly took to mean, that it should flow in the field; "and that it was an excitement to rebellion."

FIRST REPORT

OF THE

SELECT COMMITTEE,

Appointed to take into consideration the internal Resources of the Province in its Agriculture and Exports, and the Practicability and Means of enlarging them; also, to consider of the Expediency of granting Encouragement to Domestic Manufactures.

BY ORDER OF THE HOUSE OF ASSEMBLY.

YOUR Committee, fully impressed with the importance of the subject referred to them, have not failed to give it their most mature consideration.

To simplify and facilitate their inquiries, it was deemed expedient to arrange them under separate heads, and your Committee have received great assistance from numerous written communications made to them by intelligent individuals, to whom (from an anxiety to submit to your Honourable House an extensive view of this important inquiry) your Committee had, at an early period after their appointment, written on the subject.

The several heads of inquiry to which your Committee directed their attention were,

1st—As to what may be deemed the internal resources of the province in its agriculture and exports?

2d—The quantity of our staple articles exported?

3d—The value of such resources, and whether any, and if any, what material depression has occurred therein, and the causes thereof?

4th—Whether, and if so, in what degree, are these affected by the intercourse between the provinces of Canada and the United States, and between this province and Lower Canada?

5th—How far these are affected by the restrictive policy of the Mother Country?

6th—Whether any, and if any, what temporary measures can be devised to augment the value of our staples, and to increase, as well as facilitate the exportation of them?

7th—Whether any permanent system can be adopted to secure the safe, easy, expeditious, and economical exportation of them to the ports and markets to which we have access?

8th—Whether any, and if any, what nature of encouragement it is expedient to give to the manufacture of salt and iron for home consumption?

I. The internal resources of the province from agriculture and exports may be classed as follows:

1. Lumber,
2. Pot and pearl-ashes,
3. Agricultural produce,
4. Furs and Peltries.

Under the general name of Lumber, may be comprehended masts, spars, oars, hand-spikes, pine and oak timber, boards, plank, shingles, staves, and heading.

Under the term of Agricultural Produce, may be reckoned wheat, Indian corn, rye, pease, flour, Indian meal, and beef and pork, to which might (by a proper direction of agricultural labour) be added, hemp, flax seed, hops, and tobacco.

The Western and London Districts of this province are, from soil and climate, peculiarly adapted for the growing of these commodities, some of which, particularly flax seed, are articles of ready sale in the British Islands, and

large quantities are annually imported into Great Britain and Ireland from the United States, Holland, and the Baltic. It is to be presumed that the flax seed of the colonies, if of equal quality, would have a preference in the British market.

Your Committee suggest the propriety of holding out some legislative encouragement to induce the agriculturists of the province to turn their attention to this important object.

II. Your Committee have used every endeavour to ascertain the quantity and value of our exports, but have not been able to obtain any very correct information on the subject. In masts, spars, pine and oak timber, and staves, it is presumed to have been considerable, but the exportation of flour has been comparatively small, having never, in any one year, as your Committee have reason to believe, exceeded thirty thousand barrels. Of the quantity of beef and pork, pot and pearl-ashes, and furs and peltries, exported, your Committee have not been able to obtain any satisfactory account; they are, however, aware that, of furs and peltries, the exportation has greatly declined.

III. Under the third head of inquiry, viz. the value of our resources, and whether any, and if any, what material depression has occurred therein, and the causes thereof, your Committee have been unable to obtain any very precise information as to the value, as it is fluctuating, and liable to be affected by many causes and contingencies.

The staples of this province, from the long and desolating wars, occasioned by the French Revolution; failure of harvests in Great Britain; and occasional differences with the Northern Powers of Europe; together with the restrictive policy of the American cabinet, naturally became in great demand, and were in consequence thereof raised to a value which in time of profound

peace they could not be expected to maintain. At that time, the numerous fleets and armies, which were kept up by the contending powers, drew from agriculture a large portion of its labour, which, being taken from a productive to a destructive employment, increased the demand for provisions, while it limited the means of raising them; and this foreign demand was increased by blights, by the ravages of the contending forces, and the destruction of property incidental to a state of active warfare, which occasioned a steady demand for every article which the province could supply.

On the return of peace, and resumption of domestic habits by a large portion of the armed population, the demand for our staple articles decreased, and consequently they fell in price.

Another cause of the depression in the value of our staple articles, may be found in the deteriorated quality of the article sent to market, for instance, Upper Canada flour, which, when it first found its way to Montreal, was greatly esteemed, and much in demand, is latterly (from the greater attention paid to the * *manufacturing and packing of that article in the United States*; from the damage the flour of Upper Canada very frequently sustains, from its exposure to heat and moisture, and from the negligent manner in which it is transported to Montreal) so little sought after in the Lower Canada and other markets, that it can with difficulty be sold, when that of the United States is brought into competition with it.

Your Committee, therefore, can have no doubt as to the

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* A complaint has been made, that the flour of the Upper Province is ground too close, and that it is frequently packed before it is sufficiently cool; either of which causes will lessen its value in foreign markets.

fact of a very material depression having taken place in the value of our commodities, and have reason to believe that they are now not worth so much by one half as they were before the commencement of the late American war.

IV. It appears to your Committee, that the value of our staple articles is partially affected by the intercourse between the provinces and the United States, as well as by that between the two provinces; but they do not believe in any sensible degree by the first. Experience teaches us, that to create a market there must be a supply, and that whenever there is a demand for any article, the party wanting it will naturally go to that market where he is likely to be supplied on the best terms; he certainly will not go to a limited market, to supply an extensive demand. Under those impressions, it appears to your Committee, a measure recommended by sound policy, to give every facility and encouragement to the admission of American flour and other provisions, for *exportation*, as the certainty of being supplied with a good article, *and from a port to which British shipping have unrestricted access, will naturally induce British purchasers, whether for English or West India markets, to give a preference to their own colonies*, and until such time as the province can furnish an ample supply, it would, it is presumed, be attended with bad consequences to prohibit, or even to impose duties on American provisions admitted for exportation: with respect to the admission of American provisions for home consumption into Lower Canada, your Committee are not quite so decided; they are, however, of opinion, that in all cases whenever the ports of Great Britain are shut against the corn and bread stuffs of this country, protecting duties should be imposed in Lower Canada, to enable the flour of Upper Canada to maintain itself in the only market to which it can be sent; this is a measure, however, that ought, in the opinion of your Committee, to be submitted

to the wisdom of the Imperial Parliament. The flour of this province is also affected by the nature of our intercourse with Lower Canada, from the obligation imposed upon the possessor, to have it re-inspected in that province, and which subjects them to a higher charge than is paid by the inhabitants thereof, on the same articles of domestic growth. Large sums are also annually levied on the trade of Upper Canada, under acts imposing duties for improving the navigation of the St. Lawrence, which duties, while they add to the embarrassments of our export trade, give it no additional safety or accommodation; a great part of the money raised from them, remaining at this time in the hands of the Receiver-General of Lower Canada, unexpended.

V. Your Committee, in giving their opinion on this point of the inquiry, are aware of the difficulty and delicacy of the subject; they are not ignorant of the jealousy with which the mother country has viewed every attempt of the colonial legislatures to interfere with her commercial regulations; this duty, however, having been imposed upon your Committee by your honourable House, they have endeavoured to discharge it fearlessly, and to the best of their ability.

Upper Canada is not a manufacturing country, but depends almost exclusively on its agricultural productions; all the luxuries, and most of the necessaries of life, are imported from Great Britain, from which country alone, are we permitted to receive them; to pay for these, we have nothing but bills drawn on the government, and the produce of our forests and fields. The produce of Upper Canada is well adapted for the West India markets, and the ports of the islands are at all times open for its reception. Could the West India merchant depend upon a regular supply, a very beneficial trade might be carried on with those colonies: the length of winter and interruption to the naviga-

tion of the St. Lawrence, are however very unfavourable to a direct intercourse with those islands, but much of this inconvenience might be avoided by encouraging the trade between Quebec and the other continental colonies of Great Britain in America. This trade might be carried on to a considerable extent, provided the duties levied under the 14th Geo. 3d, on Rum imported from those colonies, were reduced to the par of the same article imported from Bermuda and the West Indies; the duty on Rum (by that act), when imported from the West Indies, is 6d. sterling per gallon, when from the other colonies 9d. sterling, making a difference of 3d. sterling per gallon.

The wheat of Upper Canada is greatly superior to that grown in our sister province, and always commands a higher price; it is better adapted to the European markets than flour, and although in exporting the raw material, we lose the advantage of manufacturing it in our own mills, still as it is more saleable and less perishable than flour, your Committee are of opinion that it will be found advantageous by the mercantile part of the community to turn their attention towards it.

Great Britain, however, is the only market to which we can look to take off an unlimited quantity of our produce, and it is essentially necessary to the province that no restraint should be laid upon our mutual trade. Unfortunately the Corn Laws of Great Britain operate very much against us, as we cannot sell either wheat or flour, on their arrival in England, provided the average price of wheat is under sixty-seven shillings sterling per quarter; and it is well ascertained that several cargoes which were shipped from Quebec since the middle of October last, were not admitted to entry for the home markets on their arrival, the average of wheat being at the time fifty-four shillings sterling per quarter.

The state of the lumber trade has for some years past engaged the serious attention of his Majesty's Cabinet Mi-

nisters, and the subject, it is understood, will be again agitated during the present session of parliament. For the encouragement of the trade in lumber between Great Britain and her colonies, her Parliament some years since laid very high protecting duties on foreign timber. This last duty the dealers in foreign timber have been for some time past endeavouring to get done away, or to procure a duty to be laid on colonial timber. Should either of these measures be adopted, it will effectually destroy the lumber trade with the port of Quebec, a trade which now employs upwards of five hundred sail of large ships—which gives employment to a great number of persons, who consume much of the surplus provisions which we can raise, and which, independent of the employment given to British shipping, is almost the only means we have of paying for such articles of necessity or luxury as we import.

To enable your honourable House thoroughly to understand this subject, your Committee submit certain observations and calculations relative to this trade, which they received from a most intelligent and respectable merchant, long and intimately concerned in that particular branch, whom they consulted; these will shew most clearly the complete ruin in which it would be involved, should the contemplated measures of his Majesty's government in England pass into a law.

"The state of the lumber trade was to be brought "before the Imperial Parliament as soon as possible after "it assembled in January last; and there is no doubt but "it has been decided ere now, whether the foreign duties "should be reduced, or an additional duty laid on timber, "the produce of the British colonies. When the question "was agitated in Parliament last spring, an opinion pre-"vailed, that a reduction of ten shillings and three pence "per load of fifty cubic feet, would be made on foreign "timber, which, from the superiority of its quality, and "the low rate of freight from the Baltic, would exclude the

"Canadian dealer from the trade. Though, I believe, you "are very well acquainted with the consequences of such "an alteration, yet in case of the contrary, I will take the "liberty of exemplifying them to you.

"Timber shipped from the British colonies, for naval "purposes, is admitted duty free.

"The duty on other timber from the British colonies, is "2s. 4d. 1-2 per load.

"The duty on foreign timber, is, per load .			3 8 1
"The freight of timber, from Quebec, is "per load			2 10 0
"Do. from Memel, per load			0 18 0
"Freight in favour of the foreign trade . .			1 12 0
"The price of Memel pine is			6 6 0
"Do. of Canada, do.			4 5 0
"In favour of foreign pine			2 1 0
"The foreign trade gains in sales			2 1 0
"Do. in freight			1 12 0
			3 13 0
"The foreign duty is . . .	£3 8 1		
"Less the expected reduction .	0 10 3		2 17 10
"In favour of the foreign trade, per load .			0 15 2

"You will perceive by the above, that if the small re- "duction of 10s. 3d. per load is made from the duties on "foreign timber, or if a similar sum is added on our duties, "the Baltic merchants will be able to sell lower than "ourselves, even if our pine cost nothing on board."

Your honourable House cannot fail to perceive the existence of the causes to which we have called your attention as affecting the value of our staples; but there are others of not inferior interest, viz. the difficulties occa-

sioned by the dangerous navigation of the river St. Lawrence, the interruption occasioned by the falls of Niagara, and the heavy charges to which every article of export is subject in transitu to a market, from the numerous agents and persons employed in the transportation of them, and from the accidents which frequently occur from the insecure nature of the communication.

These charges not unfrequently swallow up the entire value of the article exported.

Your Committee cannot omit to mention the peculiar hardship with which these accumulated impediments and restrictions bear upon the inhabitants of the western districts of the province, and which render unavailing the natural advantages which they so eminently possess. With a fertile soil, and mild climate, they are labouring under the most serious evils. Their remote situation exposes them to the multiplied charges on every article which they buy or sell; while the reduced value of the article flour, their principal, or indeed only article of export, and the difficulty of getting it to market, render it almost impossible to export it at all.

Your Committee have to express their regret, that from want of more full information, they are unable to do justice to this important and interesting inquiry. They recommend to the serious consideration of your honourable House, a subject which involves the best interests of the province, but to which they fear no adequate remedy can be provided by the Provincial Legislature.

Your Committee are unable to devise any temporary measures for augmenting the value of our staples, or for increasing as well as facilitating the exportation of them, being impressed with the belief that permanent measures can alone save the commerce of Upper Canada from the ruin with which it is menaced.

In reflecting upon the permanent system to be adopted for securing the safe, easy, expeditious and economical

exportation of our staple articles to the markets to which we have access, your Committee have not been free from difficulty. The limited power and inadequacy of the pecuniary means of the Provincial Legislature, almost preclude the possibility of legislating on the subject: still its importance imperiously demands that every attention should be paid to it.

The measures which your Committee recommend, are:—

1st. A revision of the Inspection Laws, and prohibiting the exportation of any flour from the Province, until it has been inspected and branded, Upper Canada, fine, superfine, or as the case may be.

2d. An application to the Imperial Parliament, claiming its interference to protect the staples of Upper Canada, against any Acts of our Sister Province, which might otherwise affect the same: also a modification of her corn laws, in such a manner as to admit at all times the bread stuffs of this Province into the British markets, subjecting them only to duties when below a certain average; also the reduction of the sterling duty on rum imported from other British Colonies, to the same rate as is by law imposed on that article coming from the West Indies and Bermuda, and that she will continue her protection to the Canada lumber trade.—But the great, and, indeed, only efficient measure by which, in the opinion of your Committee, a permanent relief can be afforded to the commerce of Upper Canada, "*and the safe, easy, expeditious, and economical exportation of our staples to the markets to which we have access,*" *can be secured, is the improvement of our inland navigation.*

This is a measure which, in the opinion of your Committee, claims the earliest and most profound attention of your honourable House. It is a measure deeply involving the national interests as well as the commercial prosperity of the Province, and one which, if entertained by your honourable House, should, in the opinion of your Com-

mittee, be undertaken on an extensive scale, a scale commensurate with the increasing power, and rapidly accumulating commercial resources of the Province.

That it is perfectly practicable to connect the Lakes Erie and Ontario with Montreal, by canals, of sufficient depth to enable vessels of burthen to sail, without unlading, directly to that port, cannot be doubted; *the successful enterprise of our jealous neighbours,* sanctions your Committee in forming this opinion, and is an example which ought to excite us to similar exertions; we ought not to allow ourselves to be deterred by the magnitude of the undertaking, from undertaking it at all. Difficulties there are, no doubt, but they are not insuperable, and will be found to be comparatively insignificant when encountered by perseverance and determination.

That the Province is without funds for carrying on a work of this nature, upon even the most moderate scale, your Committee most readily admit, but they are also inclined to believe that, by a proper representation of the subject to his Majesty, (whose gracious intentions have already been communicated to this House) and to the Imperial Parliament, setting forth the real and substantial advantages, which the opening a water communication, upon a grand scale, from Lake Erie to the sea, would produce to the interests of the Mother Country and the colonies, that his Majesty and his Imperial Parliament would concur in enacting such laws, and in giving such facilities and encouragement to this stupendous undertaking, as would ensure its success.

To entitle ourselves, however, to the active aid of the Imperial Government, in this great measure, we must evince a disposition to contribute to it to the extent of our means, and even, if it were possible, to go beyond them; for we ought not to expect our Mother Country to expend her resources for our benefit, while we, who will so immediately reap the advantage, are restrained by cold, narrow,

selfish feelings, from giving our fullest support to the measures necessary to its success.

By the Report of the American Canal Commissioners, in January 1817, it appears—That the great Western Canal, when completed, will be in length 353 miles, 29 1-2 chains, in width on the water surface 40 feet, in width at the bottom 28 feet, and in depth of water 4 feet.

That the length of the locks is ninety, and their width in the clear twelve feet. That the estimate of the total expense for completing the said canal, is *$4,881,738; or at the average rate, including the expense of constructing seventy-seven locks, of about $13,830, or a little more than three thousand pounds sterling per mile. And from subsequent Reports of the same Commissioners, it appears that hitherto the work has been done at a rate greatly within the estimate. This, then, is data for us to go upon, and by which we may be enabled to form a tolerably correct estimate of the sum it would require to complete a work of such vast public utility. Your Committee, in this first Report, do not consider it necessary, neither are they prepared to go into any detail respecting the canal; they wish merely to draw the attention of the Government and the House to the subject. The views, however, of your Committee, generally, are, that a work of this description should not be on an exposed frontier, but should be, wherever circumstances will admit of it, inland. Could it be completed on a scale which would enable the Government to bring smaller sized vessels of war *light* into the lakes, it would prove, in the opinion of your Committee, the best barrier against the future hostile attempts of the United States of America that could be formed. Military protection, and commercial facility, would thus be united; and the Pro-

* This type denotes dollars in America, as £ denotes pounds in England. Printers in England should adopt this type.

vince of Upper Canada, instead of being, as it is at this particular time, a dead weight upon the Government and commerce of Great Britain, would be one of their most flourishing colonies.

Your Committee, therefore, respectfully recommend to your honourable House to pass a Bill appointing Commissioners:—

1st. To devise and adopt such measures as shall be requisite to facilitate and effect a communication by canals and locks between the Lakes Erie and Ontario,—and Lake Ontario and Montreal.

2d. To examine and explore the country, for the purpose of determining the most eligible routes for the contemplated canals, to cause surveys and levels to be taken, and maps, field books, and draughts, to be made; and to adopt and recommend proper plans for the construction and the formation of the said canals, and of the locks, dams, embankments, tunnels, and aqueducts; and to cause all necessary plans, models, and draughts thereof, to be executed.

3d. To calculate and estimate the expense of the above operations.

4th. To devise and recommend ways and means for carrying the above purposes into effect.

Your Committee having given their ideas on this important subject, recommend them to the consideration of your honourable House.

With respect to the last head of inquiry, viz.—Whether any, and if any, what nature of encouragement it is expedient to give to the manufacture of salt and iron, for home consumption:—Your Committee have to remark, that it is deemed sound policy in every country to protect domestic manufactures, provided it can be done without making too great a sacrifice of other objects.

Domestic manufactures give a value to our raw materials, and serve to retain, within the Province, capital, of which

it must be deprived for the payment of similar articles when imported.

Your Committee, however, are not prepared to recommend a system of bounties, as the provincial revenue at this time is not adequate to pay them, even if it were deemed advisable so to do. They are of opinion that the manufacture of the necessary articles of salt and iron, should be encouraged by every practicable means; but that until the public revenues of the Province are freed from their present embarrassment, the only measure which it will be prudent to adopt, is, to impose heavy duties on similar articles when imported from the United States.

All which is respectfully submitted.

ROBERT NICHOL,
Chairman.

Committee-Room,
March 31*st*, 1821.

EXTRACTS

FROM THE

UPPER CANADA GAZETTE,

APRIL 16 and 23, 1821.

PROVINCIAL PARLIAMENT.

York, April 14, 1821.

AT six o'clock this day, his Excellency the Lieutenant-Governor went in state to the Parliament House, and being seated on the Throne, the House of Assembly was summoned to the Legislative Council Chamber, when his Excellency was pleased to give the Royal Assent to the Acts, of which the following is an abstract of the titles.

1. Regulating the Commercial Intercourse with the United States.
2. Granting Money for Perth Road.
3. Relative to the Service of Process from the Court of King's Bench, and the District Courts.
4. For the Relief of Mott and Blanchard.
5. For the Relief of Hull and Phelps.
6. Tavern Licence (declaratory).
7. Civil Appropriation.
8. To supply the Want of County Courts, and to make further Provision for proceeding to Outlawry in certain cases.
9. Salmon Fishery.
10. To legalize small Notes.
11. To establish an uniform Currency.
12. Relative to the illegal Solemnization of Marriage.

13. To enable Married Women more easily to convey Real Estate.

14. Reduction of the Speaker's Salary.

15. To relieve Vessels, in some degree, from Light-House and Tonnage Duty.

16. Preservation of Deer.

17. Roman Catholic Trustees. (York.)

18. Militia Pensions.

19. Debentures to pay the Arrears of Militia Pensions.

20. Forfeited Estates.

21. Compensation to District Treasurers for their trouble under the Common School Act.

22. Granting Salary to the Clerk of the Crown in Chancery.

23. To make good Monies issued by the Lieutenant-Governor, in pursuance of Addresses from the House of Assembly.

24. For altering the Time of holding the General Quarter Sessions of the Peace in the Home District.

25. Continuing, for a limited time, an Act, authorizing the General Quarter Sessions to regulate the Duties hereafter to be paid on Licences granted to Innkeepers.

26. To remunerate the Surveyor-General for certain Services.

27. Granting a Pension to Elizabeth Lawe.

28. To establish a Provincial Bank.

29. To make Provision for the Improvement of the Internal Navigation.

30. To afford Relief to John Wagstaff.

31. To remunerate certain Commissioners.

32. Forming New Counties.

33. Relative to the Right of Tythes within this Province.

This last Bill Reserved.

CHAP. I.

An Act to repeal an Act passed in the first Year of His Majesty's Reign, entitled, "An Act to regulate the Commercial Intercourse between this Province and the United States of America, by Land and Inland Navigation," and further to regulate the Trade between this Province and the United States of America, by Land and Inland Navigation (passed 14th April, 1821).

WHEREAS it is expedient further to provide for the Commercial Intercourse between this Province and the United States of America, and to repeal the Laws now in force relative thereto: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That an Act of the Parliament of this Province, passed in the first year of His present Majesty's Reign, entitled, "An Act to regulate the Commercial Intercourse between this Province and the United States of America, by land and inland navigation," be, and the same is hereby repealed.

II. *And be it further enacted, by the authority aforesaid*, That the following articles, of the growth, produce, or manufacture of the United States of America, may, during the continuance of this Act, be imported into this Province, from the territories of the said United States of America, on payment of the several duties respectively affixed to the same, that is to say,

Beer in bottles, six shillings per dozen.
Beer in casks, one shilling per gallon.
Cable and tarred rope, threepence per pound.
Cordage untarred, threepence per pound.
Cider, one shilling per gallon.
Salt, sixpence per bushel.
Sole leather, threepence per pound.
Calf skins, and skins dressed as upper leather, two shillings and sixpence each.
Harness leather, fourpence per pound.
Nails, twopence per pound.
Pork, twenty shillings per barrel.
Pork, not in barrel, ten shillings per hundred weight.
Manufactured tobacco, threepence per pound.
Beef, fifteen shillings per barrel.
Beef, ten shillings per hundred pounds.
Distilled spirits, two shillings and sixpence per gallon.
Shoes, five shillings per pair.
Boots, fifteen shillings per pair.
Boards of pine, twenty shillings per 1000 feet.
Boards of oak, twenty shillings per 1000 feet.
Lumber of pine, twenty shillings per 1000 feet.
Lumber of oak, twenty shillings per 1000 feet.
All other lumber, hewed or sawed, thirty shillings per 1000 feet.
Shingles, five shillings per 1000.
Oxen, fifty shillings per head.
Young cattle, from two to four years old, thirty-five shillings per head.
Cows, twenty-five shillings per head.
Sheep, one shilling per head.
Live hogs, twenty shillings per head.
Flour, ten shillings per barrel, of one hundred and ninety-six pounds.
Flour, six shillings per hundred weight.
Wheat, two shillings and sixpence per bushel.

Indian corn, two shillings per bushel.
Rye, two shillings per bushel.
Barley, two shillings per bushel.
Oats, one shilling per bushel.
Potatoes, one shilling per bushel.
Apples, one shilling per bushel.
Butter, sixpence per pound.
Cheese, sixpence per pound.
Hog's lard, sixpence per pound.
Hams and bacon, sixpence per pound.
Chord wood, or wood intended for fuel, five shillings per chord.
Flax-seed oil, one shilling per gallon.

And all other goods, wares, and merchandise, not herein before enumerated, the growth, produce, or manufacture of the said United States of America, a duty of ten pounds on every hundred pounds, ad valorem, of the value of such goods, wares, and merchandise, as aforesaid. *Provided always,* That on all kinds of iron castings and tin ware, there be a duty of twenty pounds on every hundred pounds of the value thereof.

III. *Provided always,* That nothing in this Act contained, shall extend, or be construed to extend, to prevent, or in any wise prohibit the importation, free from the payment of any duty, of the following articles, being the growth, produce, or manufacture of the said United States of America: unmanufactured tobacco, cotton-wool, tallow, raw hides, printing paper, the personal baggage, travelling horse or horses, travelling carriage or carriages, of any person or persons, subjects or foreigners, who may lawfully come into or reside in this Province.

IV. *Provided always,* That nothing in this Act contained, shall extend, or be construed to extend, to prohibit the admission of flour, pork, and other provisions, pot and pearl ashes, salt, lumber, wheat, meal, and grain, furs and

skins undressed, into this Province free of duty, for exportation only; and *Provided also,* That the Importer of such goods, or the consignee thereof, is hereby required, before landing the same, to enter into a bond in double the amount of the value thereof, that the same shall be exported from this Province, which bond shall be made out by the Collector on the payment of two shillings and sixpence for the same. *Provided always,* that all such articles as last aforesaid, shall be entered and reported according to law, on their importation into this Province.

V. *And be it further enacted by the authority aforesaid;* That from and after the passing of this Act, there shall be paid on all vessels or boats, the property of the citizens of the United States of America, coming into any of the ports of this Province, the following duties; namely, on all vessels above five ton to fifty tons, the tonnage duty of sixpence per ton; on all vessels above fifty tons, one shilling per ton; *Provided always,* that whenever any ship or vessel laden as aforesaid, the cargo or load whereof is intended to be imported, in order to be transported to Lower Canada, the master or other person having charge or command of such ship or vessel, or the agent or agents for the proprietor or proprietors thereof, shall forthwith, on the arrival at any such port or ports of entry as aforesaid, make a report and declaration thereof, to the Collector or to his deputy, stationed at such port or ports of entry, and such report and declaration shall be verified upon oath, and such master or person commanding such vessel, or agent or agents for the proprietor, if required, shall, and he is hereby required to enter into a bond in double the amount of the tonnage duly imposed by this Act, for the payment thereof, should the whole or any part of such goods, wares, and merchandise, remain in or be unexported from this Province; *Provided also,* that nothing in this Act contained shall extend, or be construed to extend, to compel

the payment of any tonnage duty on vessels exclusively employed for the purpose of transporting passengers and their baggage.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend, or be construed to extend, to authorize the demand of tonnage duty on any such vessel laden exclusively with goods, wares, and merchandise in transitu, or for exportation, to Lower Canada, or with salt, or other commodities, in transitu from Queenstown to Fort Erie, secured to be re-exported to the United States.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the owner or owners, agent or agents, of all such person or persons, as shall or may import any such goods, wares, or merchandise, hereby authorized to be imported free of duty, for exportation, to enter the whole or any part thereof for home consumption, on payment or securing the payment of the duties imposed by this Act, at the port where the same shall be deposited at the time of making such entry as aforesaid.

VIII. *And be it further enacted by the authority aforesaid,* That the value of all goods and merchandize subject to a duty, ad valorem, by this Act, shall be deemed and taken to be the value at the port or place of entry, as stated in the report of the same, made by the master of any vessel, boat, raft, or carriage, or by the owner, or agent of the owner of such goods.

IX. *Provided always, and it is hereby enacted by the authority aforesaid,* That if upon view and examination of the said goods, wares, and merchandise, by the proper officer or officers of the Customs, it shall appear to him or them, that the same are not valued according to the true price or value thereof, and according to the true intent and meaning of this Act, then it shall and may be

lawful for such officer or officers to detain such goods, wares, or merchandises, and to cause the same to be properly secured, and to take such goods, wares, and merchandises, for the benefit of the Crown, within two days from the landing thereof; and the collector or his deputy shall, out of any monies in his hands arising by customs or other duties belonging to the Crown, pay to the importer or proprietor, on demand, the value so stated in such Report, and an addition of ten per centum thereon, and also the customs and other duties which shall have been paid for such goods, taking a receipt for the same from such importer or proprietor, in full satisfaction for the said goods, as if they had been sold. And it shall be lawful for the said collector, or his deputy, (whether the value of the goods, and ten per centum thereon, and the duties which shall have been paid for such goods, be demanded or not, or whether the receipt herein ordered to be taken, be given or not), to cause the said goods to be publicly sold for the best advantage, and out of the produce thereof, the money so as aforesaid directed to be paid for such goods shall be paid to the said collector, or his deputy, to be replaced to such funds whence he borrowed the same, provided the same shall have been paid by him, but if it has not, then the same shall remain in the hands of the said collector, or his deputy, until the importer or proprietor shall demand the same, and give a receipt as hereinbefore directed; and after deducting from the overplus, if any, the charges arising from the detaining, securing, and sale of such goods, the said collector, or his deputy, shall be entitled to retain, as an encouragement for the discharge of his duty therein, one moiety of the remainder of such overplus, if any, and the other moiety shall be paid into the hands of the Receiver-General of this province, to be accounted for by him.

X. *And be it further enacted, by the authority afore-*

said, That any person who may lawfully come into this province as a settler, upon taking the following oath:

"I, A. B., do solemnly swear, that the (oxen or cows, "&c. as the case may be) brought into this province by "me, are *bona fide* my own property, and that I have not "imported the same for the purpose of selling the whole or "any part thereof, and that I have come into this province "with intention to settle therein—So help me God," shall be entitled to import into the province, free from the payment of any duty whatever, four oxen, four cows, and twenty-five sheep.

XI. *And be it further enacted by the authority aforesaid*, That all monies collected under and by virtue of this Act, shall be paid into the hands of the Receiver-General, to and for the uses of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the Government thereof, to be accounted for to his Majesty, through the Lords Commissioners of his Treasury for the time being, in such manner as it shall please his Majesty to direct.

XII. *And be it further enacted by the authority aforesaid*, That this Act shall be in force for two years, and from thence until the end of the next ensuing session of Parliament, and no longer.

CHAP. II.

An Act to make Provision for the Improvement of the internal Navigation of this Province. (Passed 14th April, 1821.)

WHEREAS an Act was passed in the fifty-ninth year of his late Majesty's Reign, entitled, "An Act granting to his Majesty a sum of money for the Survey of the Waters

of the St. Lawrence, and for other purposes therein mentioned;" and whereas it is expedient to provide means for ascertaining the practicability of improving the internal communications of the province by inland navigation; and also for procuring plans and estimates of the expense necessary to be incurred for that purpose, and also to repeal the said Act: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, That the said first recited Act shall be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the government of this province, to appoint five Commissioners, two of whom, with the President, to be a quorum, for the purpose of exploring, surveying, and levelling the most practicable routes, for opening a communication by canals and locks between Lake Erie and the eastern boundary of this province.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall choose one of their number to be President of their board, and shall appoint a fit person to be Secretary, who shall be allowed and paid such salary as the said Commissioners shall deem proper and reasonable; and the President of the said Board of Commissioners shall have power to call a meeting of the

same, whenever in his opinion the public interests require it; and the said board may adjourn from time to time, to meet at any time and place they may deem most conducive to the public good: And further, the said Commissioners shall have power to employ such and so many agents, engineers, surveyors, draftsmen, and other persons, as in their opinion may be necessary to enable them to fulfil and discharge the duties imposed upon them by this Act, and to allow and pay the said agents, engineers, surveyors, draftsmen, and other persons, for their respective services, such sum or sums as may be adequate and reasonable.

IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Commissioners, as soon as may be after the passing of this Act, to cause those parts of this province, which may lie upon or contiguous to the probable courses and ranges of the said canals, to be explored and examined for the purpose of fixing and determining the most eligible and proper routes for the same, and to cause all necessary surveys and levels to be taken, and accurate maps, field-books, and drafts thereof to be made, and further to adopt and recommend proper plans for the construction of and formation of the said canals, and of the locks, dams, embankments, tunnels, and aqueducts, which may be necessary for the completion of the same; and to cause all necessary plans, drafts, and models thereof, to be executed under their direction, and also to devise ways and means for completing the said canals.

V. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Commissioners to make, or cause to be made, with as much accuracy and minuteness as may be, calculations and estimates of the sum or sums of money which will be necessary for completing the said canals, according to the plan or plans which may be

adopted and recommended by them for the construction or formation of the same; and to cause the said calculations and estimates, and all surveys, maps, field-books, plans, drafts, and models, authorized and directed by this Act, or so many thereof as may be completed, together with a plain and comprehensive report of all their proceedings under and by virtue of this Act, to be transmitted to the Governor, Lieutenant-Governor, or person administering the government of this province, to be laid before the Provincial Parliament, within twenty days after the session which will be in the year of our Lord one thousand eight hundred and twenty-two.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the government of this province, from time to time during the continuance of this Act, to issue his warrant to the Receiver-General in favour of the said Commissioners for such sum or sums of money, not exceeding in the whole the sum of two thousand pounds currency, to enable them to pay the necessary expenses to be incurred in carrying into effect the provisions of this Act, which sum or sums of money, shall be paid out of any monies now in the hands of or which may hereafter come into the hands of the said Receiver-General, and unappropriated, and shall be accounted for to his Majesty through the Lords Commissioners of his Treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct: *provided always,* That an account in detail of all monies paid under the authority of this Act, be transmitted to be laid before the Commons House of Assembly, at the then next ensuing session of Parliament; and *provided also,* that so much of the said sum as shall remain unexpended shall be subject to the future disposition of Parliament.

VII. *And be it further enacted by the authority aforesaid,* That this Act shall continue and be in force for the space of three years and no longer.

CHAP. III.

An Act to repeal part of an Act passed in the thirty-eighth Year of his late Majesty's Reign, entitled, "An Act for the better division of this Province," and to make further Provision for the division of the same into Counties and Districts. (Passed 14th April, 1821.)

WHEREAS it is expedient to provide by law for the better division of the several townships in this province into counties and districts: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, entitled, 'An Act for making more effectual provision for the government of the province of Quebec, in North America,' and to make further provision for the government of the said province," and by the authority of the same, that the twenty-third section of an Act of the parliament of this province, passed in the thirty-third year of his late Majesty's reign, entitled, "An Act for the better division of this province," be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That a tract of land in the eastern district, adjoining to the townships of Charlottenburg and Kenyon, lately owned

by the Saint Regis Indians, shall be attached to the said townships in the following manner, that is to say, so much of the said tract as adjoins the township of Charlottenburg, shall constitute and form a part of the said township; and that the remainder of the said tract shall constitute and form part of the township of Kenyon.

III. *And be it further enacted by the authority aforesaid,* That the townships of Gouldburn, Beckwith, Drummond, Bathurst, March, Huntly, Ramsay, Lanark, Dalhousie, and Sherbrooke North and South, together with such other townships as may hereafter be surveyed by direction of the Governor, Lieutenant-Governor, or person administering the government of this province, lying within the present limits of the county of Carlton, shall continue and remain the county of Carlton.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the government, and he is hereby authorized to declare by proclamation, as soon as he may think fit, the said county of Carlton, to be a separate district, by such name as to the Governor, Lieutenant-Governor, or person administering the government of this province, may seem meet. *Provided also,* That nothing in this Act contained shall be construed to affect the jurisdiction of his Majesty's Court of King's Bench in this province, or to make it necessary or lawful to issue any commission of Oyer and Terminer and general gaol delivery, and commission of assize and nisi prius, for the said district, or to affect the jurisdiction of the courts of general quarter sessions of the peace or district court within the present limits of the District of Johnstown, until provision be made by law to that effect.

V. *And be it further enacted by the authority aforesaid,* That the following townships in the Midland district shall be attached to, and be incorporated with the counties here-

inafter mentioned in manner following, that is to say, the townships of Osc, Olden, and Kennebec, to the county of Frontenac, the township of Kaledar, to the counties of Lennox and Addington, and the townships of Elzever, Madoc, and Marmora, to the county of Hastings.

VI. *And be it further enacted by the authority aforesaid,* That the unattached townships in the Newcastle district, shall be incorporated in manner aforesaid, with the counties in the said district as follows, that is to say, the townships of Asphodel, Otanabee, Monaghan, and Smith, to be attached to the county of Northumberland, and the townships of Cavan, Manvers, Cartwright, Emily, Ops, and Mariposa, to the county of Durham.

VII. *And be it further enacted by the authority aforesaid,* That the unattached townships in the Home district shall be incorporated in manner aforesaid with the counties in the said Home district as follows, that is to say, the townships of Reach, Brock, Scott, and Georgina, shall be attached to the East Riding of the County of York, and that hereafter the following townships, to wit, Chinguacousy, Caledon, Albion, and the Gore of Toronto, be added to the West Riding of York, and that the following townships shall constitute and form the county of Simcoe, namely, West Gwillimbury, Tecumseh, Adjara, Mono, Amaranth, Luther, Proton, Melancthon, Mulmar, Tosorontio, Essa, Innisfil, Oro, Vespra, Sunnidure, Flos, Medonta, Aurelia, Merlin, Osprey, Artemisia, Alba, Java, Tiny, Tay, Euphrasy, Zero, Matchedash, Thura, Mara, and Ramah.

VIII. *Provided,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the government, and he is hereby authorized to declare by proclamation the said county of Simcoe to be a separate district, by such name as to the Governor, Lieutenant-Governor, or person administering the government of this province, may seem meet, under the same provisions, limi-

tations, and restrictions, as are hereinbefore provided for the county of Carlton.

IX. *And be it further enacted by the authority aforesaid,* That the following townships, to wit, Esquesing, Erin, Nasagaweya, Eramosa, Garafraxa, and the church land, be annexed to the county of Halton.

X. *And be it further enacted by the authority aforesaid,* That the gore of land, in the district of Gore, lying between the townships of Beverly and Dumfries, be attached to the township of Beverly, and the gore lying between Dumfries and Dundas Street, be attached to Dumfries.

XI. *And be it further enacted by the authority aforesaid,* That the gore of land attached to the township of Burford, be formed into a separate township, by the name of the Township of Oakland, and that the said township of Oakland, and the townships of Nissouri and Zora, be added to the county of Oxford, and that hereafter the townships of Moza, Ecfrid, Carradoc, and Lobo, be added to the county of Middlesex; also that a gore of land on the east side of the township of Norwich be attached to that township, and a gore of land on the east of the township of Dorchester, be attached to the said township.

XII. *And be it further enacted by the authority aforesaid,* That the following new townships in the Western District be attached to the county of Kent, namely, the townships of Zone, Dawn, Sombra, and Saint Clair.

Resolutions passed in the House of Assembly, 12th March, 1821.

1. Resolved, That his late most gracious Majesty, in dividing the province of Quebec into the two provinces of Upper and Lower Canada, contemplated the common benefit of his faithful subjects.

2. Resolved, That the Parliament of Great Britain, in furtherance of such gracious intention, gave to each province a separate Legislature, independent each of the other, and controllable only, in certain cases, by the Parliament of Great Britain.

3. Resolved, That the principal revenue of both of the said provinces is, and ought to be, derived from duties on imports from the sea.

4. Resolved, That the said provinces have access to the ocean only through the port of Quebec.

5. Resolved, That by mutual assent, the said province of Lower Canada imposed duties on imports at the port of Quebec, the proportion of which to be received by Upper Canada was settled from time to time by amicable arrangement.

6. Resolved, That the last amicable arrangement to that effect, expired on the 30th of June, 1819.

7. Resolved, That, from causes not depending on Upper Canada, no authority existed to continue the same, or to provide a new arrangement, from that period to the day of March last.

8. Resolved, That all proportion of duties on imports at Quebec, since the said 30th day of June, with the exception of the sum of £4000 paid on account by order of the Governor-in-Chief, has been and continues to be withheld from this province.

9. Resolved, That any other mode of collecting duties on imports into this province from Lower Canada, except by a ratable proportion of the receipt at the port of Quebec, has been found impracticable.

10. Resolved, That any delay in the payment of any such proportionate receipt to the uses of this province, is injurious, and ought not to depend on the control of any but the Parliament of the United Kingdom.

11. Resolved, That an arrear of the fair proportion of

duties due from Lower Canada to this province, has accumulated to a large amount, whilst the public creditor has been delayed, and the ordinary administration of the Government embarrassed from want of funds.

12. Resolved, That it is expedient humbly to address his Majesty and the Imperial Parliament, to exercise the undoubted right reserved by the 31st Geo. 3, ch. 31, and to provide that the proportion of duties collected at the port of Quebec shall be paid to the uses of this province, in such amount, manner and form, as Parliament in its justice and wisdom may devise.

The following Addresses were severally presented to his Excellency the Lieutenant-Governor by the Committees appointed for that purpose:

To his Excellency Sir Peregrine Maitland, Knight Commander of the Most Hon. Military Order of the Bath, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding his Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

The Legislative Council and House of Assembly of Upper Canada, in provincial Parliament assembled, have agreed upon an Address to his Majesty on the subject of our just claims on the province of Lower Canada, for our proportion of the duties collected at the port of Quebec, which have, from causes not within our control, been withheld from us, to the manifest injury of his Majesty's subjects in Upper Canada.

We therefore entreat that your Excellency will be graciously pleased to transmit their Address to his Majesty's Principal Secretary of State, to be laid at the foot of the throne.

To which his Excellency was pleased to reply:

Honourable Gentlemen, and Gentlemen,

I shall lose no time in transmitting your joint Address on a subject so materially interesting to this country, to his Majesty's Secretary of State for the Colonies, in order to its being laid before his Majesty.

To his Excellency Sir Peregrine Maitland, Knight Commander of the Most Hon. Military Order of the Bath, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding his Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

We, his Majesty's most dutiful and loyal subjects, the Legislative Council and House of Assembly of the province of Upper Canada, in provincial Parliament assembled, beg leave to inform your Excellency that we have agreed upon an Address to his Majesty respecting the application of the Officers and Staff of the late regiment of Incorporated Militia of this province to his Majesty for half-pay.

We humbly beg to express our hope that your Excellency may be pleased to strengthen the same with your favourable recommendation, and to transmit it to be laid at his Majesty's feet.

To which his Excellency replied:

Hon. Gentlemen, and Gentlemen,

I shall have great pleasure in recommending to his Majesty's favourable consideration your joint Address on behalf of the late regiment of Incorporated Militia of this province; in compliance with your request.

To his Excellency Sir Peregrine Maitland, Knight Commander of the Most Honourable Military Order of the

Bath, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding his Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

We, his Majesty's most dutiful and loyal subjects, the Commons of Upper Canada in provincial Parliament assembled, having resolved that an humble Address be presented to his Majesty, on the subject of certain Commercial Restrictions existing in Great Britain with respect to imports from Canada, humbly beg leave to pray that your Excellency will be pleased to transmit the same to his Majesty.

To which his Excellency replied:

Gentlemen of the House of Assembly,

I shall take the earliest opportunity of forwarding your Address upon subjects so highly important to this Province, for his Majesty's favourable consideration.

His Excellency closed the session as follows: (14th April.)

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

The public business no longer demanding your attention, it gives me great satisfaction to close this long session of Parliament, in order that you may be at liberty to attend to your private affairs, which must, at this advanced season, require in a particular manner your superintendence.

I cannot allow you to separate, without expressing to you the satisfaction I have felt on observing the temper, diligence, and regard for the interests of this province, by which your proceedings have been governed.

The variety and importance of the matters which have been under deliberation, and your attention to subjects of public moment, afford satisfactory proofs that your time has not been misemployed.

I have no doubt that your provisions for incorporating a Provincial Bank, and for establishing an uniform Currency throughout the province, will prove beneficial to the commercial and general interests.

The Bill for appointing Commissioners to ascertain and report on the improvements which can be effected in the Internal Navigation, may be considered as the commencement of an important undertaking, eminently calculated to advance the prosperity and greatness of Upper Canada.

Gentlemen of the House of Assembly,

I thank you on behalf of his Majesty, for the supplies you have granted in aid of the Civil List, which you must be convinced, are not more than the exigencies of the public service compelled me to require.

The appropriation you have made to assist in opening the road from the Ottawa through Richmond and Perth to Kingstown, though small in amount, will be regarded as a sufficient proof of your desire to add to the liberal appropriation made by his Excellency the Commander of the Forces for that object, when it is remembered that it is almost the only grant you have been enabled to make for any public purpose.

I participate with you in the regret which I am assured you feel, that the state of our finance has not permitted you to continue for a further period, the increase which had been made to the Militia Pension List, by a former temporary Act. The provisions you have enacted for the examination of the different pensioners, and the means you have adopted to ensure the liquidation of the arrears, fully manifest your desire to do justice to the revenue, and at the same time to relieve those whose just claims upon it have remained so long unsatisfied.

Honourable Gentlemen, and Gentlemen,

Having characterized this session of Parliament, the first since the late augmentation in your respective bodies, by

great unanimity in the discharge of your important duties, you will, I trust, carry into your several counties, a disposition which will lead you to cultivate a spirit of harmony and good will among all classes and descriptions of their inhabitants.

Let me recommend that you should also instil into the minds of your fellow-subjects the duty of a ready and conscientious discharge of those local services which the laws require for the general advantage and convenience, and that you should give by your countenance and support all the weight in your power to the authorities appointed for the enforcement of obligations so important.

In those parts of the country with which you are severally connected, you will, I doubt not, render your presence an additional security against the progress of misrepresentation on matters of public concern; of which, in whatever cause it may originate, experience has sufficiently demonstrated the injurious tendency. The superior information you naturally possess on subjects of general importance, and your nearer acquaintance with the views and principles of the Government, will at all times enable you, by means of honourable and manly exertion, such as you, I am persuaded, would employ, to expose effectually any delusions which might be otherwise calculated to mislead the judgment of the unwary. You must be sensible that such a just discernment of their real interests, as recently influenced the great mass of this loyal people, must ever be in the highest degree important for the undisturbed enjoyment of your full rights and liberties; and that it must prove the best security for a permanence of that tranquillity which is so essential to the diffusive existence of private happiness, and the healthful growth of those advantages which in their maturity constitute the greatness and felicity of a country.

The honourable the Speaker of the Legislative Council then signified his Excellency's pleasure that the Parliament be prorogued until the 22d of May.

In consequence of different applications which had been made to the Lieutenant-Governor by individuals having direct claims on his Majesty's government, which appeared to his Excellency to have been improperly submitted to the board appointed to investigate and report upon the losses occasioned by the enemy during the late war, his Excellency was pleased to direct a selection to be made from the general report of the commissioners, of all such claims as appeared, by the vouchers accompanying them, to be of the former description; in order that he might refer them for the especial consideration of his Majesty's government.

The Lieutenant-Governor has now great satisfaction in being enabled to state, that his Majesty has been graciously pleased to intimate, that he has directed the payment of the above-mentioned claims.

The claims referred to are of the following descriptions, viz.:

1st.—Claims for supplies, when actually furnished by order; due evidence having been produced thereof.

2d.—For rent for premises occupied by government; due testimony existing of a contract for such rent.

3d.—Compensation for premises destroyed, by superior order, to meet some military object; the necessary testimony having been exhibited.

4th.—Where the government had actually entered into contracts for the restoration of property to the owners in a state of repair equally good as when taken possession of, and where such property has been either materially damaged by his Majesty's troops, or destroyed whilst in their occupation; due testimony of the contract, as also of the extent of the damage and value of the property, having been produced.

Due notice will be given of the time and place appointed for the liquidation of the claims above referred to, and of the claimants who are included within his Majesty's instruction.

By his Excellency's command,

GEORGE HILLIER.

Government House, April 19, 1821.

MILITIA GENERAL ORDERS.

Adjutant-General's Office, York, April 21st, 1821.

The Lieutenant-Governor has great satisfaction in announcing to the officers, non-commissioned officers and privates of the late incorporated battalion of militia, and to the militia of the province in general, that he has received the following dispatch from his Majesty's Secretary of State for the Colonies:

"*Downing Street, Jan. 1st,* 1821.

"SIR,

"In reply to your letter to me of the 16th September last, I have the honour to acquaint you, that the necessary directions have been given for providing colours intended to be presented to the incorporated militia of Upper Canada, having the word "Niagara" inscribed on them.

"I have the honour to be, &c. &c. &c.

"(Signed) BATHURST."

By command of his Excellency the Lieutenant-Governor.

N. COFFIN, Colonel,
Adj.-General, Militia, Upper Canada.

APPENDIX.

APPENDIX.

No. I.

BRITISH STATUTES

REGARDING

CANADA.

IN THE FOURTEENTH YEAR OF THE REIGN OF GEORGE THE THIRD.—1774.

CHAPTER LXXXIII.

An ACT for making more effectual Provision for the Government of the Province of Quebec in North America.

WHEREAS his Majesty, by his royal proclamation, bearing date the 7th day of October, in the 3d year of his reign, thought fit to declare the provisions which had been made in respect to certain countries, territories, and islands in America, ceded to his Majesty by the definitive treaty of peace, concluded at Paris on the 10th day of February, 1763: And whereas, by the arrangements made by the said royal proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein, under the faith of the said treaty, was left, without any provision being made for the administration of civil government therein; and certain parts of the territory of Canada, where seden-

tary fisheries had been established and carried on by the subjects of France, inhabitants of the said Province of Canada, under grants and concessions from the government thereof, were annexed to the government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries. May it therefore please your most excellent Majesty that it may be enacted; *and be it enacted* by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that all the territories, islands, and countries in North America, belonging to the crown of Great Britain, bounded on the south by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the river Saint Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the river Connecticut, keeping the same latitude directly west, through the lake Champlain, until, in the same latitude, it meets the river Saint Lawrence; from thence, up the eastern bank of the said river, to the lake Ontario; thence through the lake Ontario and the river commonly called Niagara; and thence along by the eastern and south-eastern bank of lake Erie, following the said bank until the same shall be intersected by the northern boundary granted by the charter of the province of Pennsylvania, in case the same shall be so intersected; and from thence along the said northern and western boundaries of the said province, until the said western boundary strike the Ohio; but in case the said bank of the said lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the north-western angle of the said province of Pennsylvania, and thence by a right line to the said north-western angle of the said province; and thence along the western boundary of the

Territories belonging to Great Britain.

said province, until it strike the river Ohio; and along the bank of the said river, westward, to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the merchants adventurers of England, trading to Hudson's Bay, and also all such territories, islands, and countries, which have, since the 10th of February, 1763, been made part of the government of Newfoundland, be, and they are hereby, during his Majesty's pleasure, annexed to, and made part and parcel of the province of Quebec, as created and established by the said royal proclamation of the 7th of October, 1763.

Annexed to the province of Quebec.

II. *Provided always,* That nothing herein contained, relative to the boundary of the province of Quebec, shall in any wise affect the boundaries of any other colony.

III. *Provided always, and be it enacted,* That nothing in this Act contained shall extend, or be construed to extend, to make void, or to vary or alter, any right, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any lands within the said province, or the provinces thereto adjoining; but that the same shall remain and be in force, and have effect, as if this Act had never been made.

IV. And whereas the provisions made by the said proclamation, in respect to the civil government of the said province of Quebec, and the powers and authorities given to the Governor and other civil officers of the said province, by the grants and commissions issued in consequence thereof, have been found upon experience to be inapplicable to the state and circumstances of the said province, the inhabitants whereof amounted, at the conquest, to above 65,000 persons professing the religion of the church of Rome, and enjoying an established form of constitution and system of laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said province of Canada; *Be it therefore further enacted, by the*

Former provisions null and void.

authority aforesaid, That the said proclamation, so far as the same relates to the said province of Quebec, and the commission under the authority whereof the government of the said province is at present administered, and all and every the ordinance and ordinances, made by the Governor and Council of Quebec for the time being, relative to the civil government and administration of justice in the said province, and all commissions to judges and other officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the 1st day of May, 1775.

Inhabitants of Quebec may profess the Romish religion, &c.

V. And for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared, that his Majesty's subjects, professing the religion of the church of Rome, of and in the said province of Quebec, may have, hold, and enjoy, the free exercise of the religion of the church of Rome, subject to the King's supremacy, declared and established by an Act made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did, or thereafter should belong, to the imperial crown of this realm; and that the clergy of the said church may hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said religion.

VI. *Provided nevertheless,* That it shall be lawful for his Majesty, his heirs, or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said province, as he or they shall, from time to time, think necessary and expedient.

No person professing the Romish religion obliged to take the oath of 1 Eliz. but to take the following oath.

VII. *Provided always, and be it enacted,* That no person professing the religion of the church of Rome, and residing in the said province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth, or any other oaths substituted by any other Act in the place thereof; but that every

such person who, by the said statute, is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath before the Governor, or such other person in such Court of Record as his Majesty shall appoint, who are hereby authorized to administer the same, viz.

"I, A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty King George, and him will defend, to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs, and successors, all treasons and traitorous conspiracies and attempts, which I shall know to be against him or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any power and person whomsoever to the contrary.—So help me God."

And every such person who shall neglect or refuse to take the said oath before-mentioned, shall incur and be liable to the same penalties, forfeitures, disabilities, and incapacities, as he would have incurred and been liable to for neglecting or refusing to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth.

Canadian subjects (religious orders excepted) may hold all their possessions, &c.

VIII. *And be it further enacted, by the authority aforesaid,* That all his Majesty's Canadian subjects within the province of Quebec, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial manner, as if the said proclamation, commissions, ordinances, and other acts and instruments, had not been made, and as may consist with their allegiance to his Majesty, and subjection to the crown and parliament of

Great Britain; and that in all matters of controversy relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the courts of justice, to be appointed within and for the said province by his Majesty, his heirs, and successors, shall, with respect to such property and rights, be determined agreeably to the said laws and customs of Canada, until they shall be varied or altered by any ordinances that shall, from time to time, be passed in the said province by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice and consent of the Legislative Council of the same, to be appointed in manner hereinafter mentioned.

IX. *Provided always,* That nothing in this Act contained shall extend, or be construed to extend, to any lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his heirs, and successors, to be holden in free and common soccage.

Owners of goods may alienate by will, &c.

X. *Provided also,* That it shall and may be lawful to and for every person that is owner of any lands, goods, or credits in the said province, and that has a right to alienate the said lands, goods, or credits, in his or her life-time, by deed of sale, gift, or otherwise, to devise or bequeath the same at his or her death, by his or her last will and testament; any law, usage, or custom, heretofore or now prevailing in the province, to the contrary hereof in any wise notwithstanding; such will being executed, either according to the laws of Canada, or according to the forms prescribed by the laws of England.

Criminal law of England to be continued in the province.

XI. And whereas the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered: *Be it therefore further enacted, by the authority aforesaid,*

That the same shall continue to be administered, and shall be observed as law in the province of Quebec, as well in the description and quality of the offence as in the method of prosecution and trial; and the punishments and forfeitures thereby inflicted to the exclusion of every other rule of criminal law, or mode of proceeding thereon, which did or might prevail in the said province before the year of our Lord, 1764; any thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice and consent of the Legislative Council of the said province, hereafter to be appointed, shall, from time to time, cause to be made therein, in manner hereinafter directed.

XII. And whereas it may be necessary to ordain many regulations for the future welfare and good government of the province of Quebec, the occasions of which cannot now be foreseen, nor, without much delay and inconvenience, be provided for, without intrusting that authority, for a certain time, and under proper restrictions, to persons resident there; And whereas it is at present inexpedient to call an Assembly; *Be it therefore enacted, by the authority aforesaid,* That it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his or their signet or sign manual, and with the advice of the Privy Council, to constitute and appoint a Council for the affairs of the province of Quebec, to consist of such persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his heirs and successors, shall be pleased to appoint; and, upon the death, removal, or absence of any of the members of the said Council, in like manner to constitute and appoint such and so many other person or persons as shall be necessary to supply the vacancy or vacancies; which Council, so appointed and nominated, or the major part thereof, shall have power and

His Majesty may appoint a council, &c.

authority to make ordinances for the peace, welfare, and good government of the said province, with the consent of his Majesty's Governor, or in his absence, of the Lieutenant-Governor, or Commander in Chief for the time being.

XIII. *Provided always,* That nothing in this Act contained shall extend to authorize or empower the said Legislative Council to lay any taxes or duties within the said province, such rates and taxes only excepted, as the inhabitants of any town or district within the said province may be authorized by the said Council to assess, levy, and apply, within the said town or district, for the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and economy of such town or district.

XIV. *Provided also, and be it enacted by the authority aforesaid,* That every ordinance so to be made shall, within six months, be transmitted by the Governor, or, in his absence, by the Lieutenant-Governor, or Commander in Chief for the time being, and laid before his Majesty for his royal approbation; and if his Majesty shall think fit to disallow thereof, the same shall cease and be void from the time that his Majesty's order in council thereupon shall be promulgated at Quebec.

XV. *Provided also,* That no ordinance touching religion, or by which any punishment may be inflicted greater than fine or imprisonment for three months, shall be of any force or effect, until the same shall have received his Majesty's approbation.

When ordinances are to be passed by a majority.

XVI. *Provided also,* That no ordinance shall be passed at any meeting of the Council where less than a majority of the whole Council is present, or at any time, except between the first day of January and the first day of May, unless upon some urgent occasion, in which case every member thereof resident at Quebec, or within fifty miles thereof, shall be personally summoned by the Governor, or,

in his absence, by the Lieutenant-Governor, or Commander in Chief for the time being, to attend the same.

XVII. *And be it further enacted, by the authority aforesaid,* That nothing herein contained shall extend, or be construed to extend, to prevent or hinder his Majesty, his heirs and successors, by his or their letters patent, under the great seal of Great Britain, from erecting, constituting, and appointing such courts of criminal, civil, and ecclesiastical jurisdiction within and for the said province of Quebec, and appointing, from time to time, the judges and officers thereof, as his Majesty, his heirs and successors, shall think necessary and proper for the circumstances of the said province.

XVIII. *Provided always, and it is hereby enacted,* That nothing in this Act contained shall extend, or be construed to extend, to repeal or make void, within the said province of Quebec, any Act or Acts of the Parliament of Great Britain, heretofore made for prohibiting, restraining, or regulating the trade or commerce of his Majesty's colonies and plantations in America; but that all and every the said Acts, and also all Acts of Parliament heretofore made concerning or respecting the said colonies and plantations, shall be, and are hereby declared to be, in force within the said province of Quebec, and every part thereof.

See C. 88 and 15 Geo. 3d, C. 40.

CHAPTER LXXXVIII.

An ACT to establish a Fund towards further defraying the Charges of the Administration of Justice, and Support of the Civil Government within the Province of Quebec, in America.

Certain duties imposed by his most Christian Majesty upon rum, brandy,

Whereas certain duties were imposed, by the authority of his most Christian Majesty, upon wine, rum, brandy, *eau de vie de liqueur,* imported into the province of Canada,

&c. imported into Quebec,

now called the province of Quebec, and also a duty of three pounds *per centum ad valorem*, upon all dry goods imported into, and exported from the said province, which duties subsisted at the time of the surrender of the said province to your Majesty's forces in the late war: And whereas it is expedient that the said duties should cease and be discontinued; and that in lieu and instead thereof, other duties should be raised, by the authority of Parliament, for making a more adequate provision for defraying the charge of the administration of justice, and the support of civil government in the said province: We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, do most humbly beseech your Majesty that it may be enacted; *and be it enacted*, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the fifth day of April, 1775, all the duties which were imposed upon rum, brandy, *eau de vie de liqueur*, within the said province, and also of three pounds *per centum ad valorem*, on dried goods imported into, or exported from the said province, under the authority of his most Christian Majesty, shall be, and are hereby discontinued; and that in lieu and instead thereof, there shall, from and after the said fifth day of April, 1775, be raised, levied, collected, and paid unto his Majesty, his heirs and successors, for and upon the respective goods hereinafter mentioned, which shall be imported or brought into any part of the said province, over and above all other duties now payable in the said province, by any Act or Acts of Parliament, the several rates and duties following: that is to say,

to be discontinued,

and instead the following duties to be paid.

For every gallon of brandy, or other spirits, of the manufacture of Great Britain, threepence.

For every gallon of rum, or other spirits, which shall

be imported or brought from any of his Majesty's sugar colonies in the West Indies, sixpence.

For every gallon of rum, or other spirits, which shall be imported or brought from any other of his Majesty's colonies or dominions in America, ninepence.

For every gallon of foreign brandy, or other spirits of foreign manufacture, imported or brought from Great Britain, one shilling.

For every gallon of rum, or spirits, of the produce or manufacture of any of the colonies or plantations in America, not in the possession or under the dominion of his Majesty, imported from any other place except Great Britain, one shilling.

For every gallon of molasses and syrups, which shall be imported or brought into the said province in ships or vessels belonging to his Majesty's subjects in Great Britain or Ireland, or to his Majesty's subjects in the said province, threepence.

For every gallon of molasses and syrups, which shall be imported or brought into the said province in any other ships or vessels, in which the same may be legally imported, sixpence; and after those rates for any greater or less quantity of such goods respectively.

Rates deemed sterling money of Great Britain;

II. And it is hereby further enacted, by the authority aforesaid, That the said rates and duties, charged by this Act, shall be deemed, and are hereby declared to be, sterling money of Great Britain, and shall be collected, recovered, and paid, to the amount of the value which such nominal sums bear in Great Britain; and that such monies may be received and taken according to the proportion and value of five shillings and sixpence the ounce in silver; and that the said duties, herein before granted, shall be raised, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, except in such cases where any alteration is made by this Act, as any

how to be levied, &c.

other duties payable to his Majesty upon goods imported into any British colony or plantation in America, are or shall be raised, levied, collected, paid, and recovered, by any Act or Acts of Parliament, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated and again enacted in the body of this present Act; and that all the monies that shall arise by the said duties (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) shall be paid by the collector of his Majesty's Customs, into the hands of his Majesty's receiver-general in the said province for the time being, and shall be applied, in the first place, in making a more certain and adequate provision, towards defraying the expenses of the administration of justice, and of the support of civil government in the said province; and that the Lord High Treasurer, or Commissioners of his Majesty's Treasury, or any three or more of them for the time being, shall be, and is or are hereby empowered, from time to time, by any warrant or warrants under his or their hand or hands, to cause such money to be applied out of the said produce of the said duties, towards defraying the said expenses; and that the residue of the said duties shall remain and be reserved in the hands of the said receiver-general, for the future disposition of Parliament.

to whom to be paid,

and how applied.

Regulations with respect to goods brought into the province chargeable, &c.

III. And it is hereby further enacted, by the authority aforesaid, That if any goods chargeable with any of the said duties herein before mentioned, shall be brought into the said province by land carriage, the same shall pass and be carried through the port of Saint John's, near the River Sorrel; or if such goods shall be brought into the said province by any inland navigation, other than upon the River Saint Lawrence, the same shall pass and be carried upon the said River Sorrel, by the said port, and

shall be there entered with, and the said respective rates and duties paid for the same, to such officer or officers of his Majesty's Customs as shall be there appointed for that purpose; and if any such goods coming by land carriage, or inland navigation, as aforesaid, shall pass by or beyond the said place before named, without entry or payment of the said rates and duties, or shall be brought into any part of the said province, by or through any other place whatsoever, the said goods shall be forfeited; and every person who shall be assisting, or otherwise concerned in the bringing or removing such goods, or to whose hands the same shall come, knowing that they were brought or removed contrary to this Act, shall forfeit treble the value of such goods, to be estimated and computed according to the best price that each respective commodity bears in the town of Quebec, at the time such offence shall be committed; and all the horses, cattle, boats, vessels, and other carriages whatsoever, made use of in the removal, carriage, or conveyance of such goods, shall also be forfeited and lost, and shall and may be seized by any officer of his Majesty's Customs, and prosecuted, as hereinafter mentioned.

Penalties and forfeitures, &c.

IV. And it is hereby further enacted, by the authority aforesaid, That the said penalties and forfeitures by this Act inflicted, shall be sued for and prosecuted in any court of Admiralty, or Vice-Admiralty, having jurisdiction within the said province, and the same shall and may be recovered and divided in the same manner and form, and by the same rules and regulations, in all respects, as other penalties and forfeitures for offences against the laws relating to the customs and trade of his Majesty's colonies in America, shall or may, by any Act or Acts of Parliament, be sued for, prosecuted, recovered, and divided.

Any person keeping a house of pub-

V. *And be it further enacted by the authority aforesaid,* That there shall, from and after the fifth day of April,

lic entertainment, to pay 11. 16s. for a licence.

1775, be raised, levied, collected, and paid unto his Majesty's receiver-general of the said province, for the use of his Majesty, his heirs and successors, a duty of 1l. 16s. sterling money of Great Britain, for every licence that shall be granted by the Governor, Lieutenant-governor, or Commander in Chief of the said province, to any person or persons for keeping a house or any other place of public entertainment, or for the retailing wine, brandy, rum, or any other spirituous liquors, within the said province; and any person keeping any such house or place of entertainment, or retailing any such liquors without such licence, shall forfeit, and pay the sum of ten pounds for every such offence, upon conviction thereof; one moiety to such person as shall inform or prosecute for the same, and the other moiety shall be paid into the hands of the receiver-general of the province, for the use of his Majesty.

Penalty of 10l. for every offence.

Not to make void French revenues, &c.

VI. *Provided always*, That nothing herein contained shall extend, or be construed to extend, to discontinue, determine, or make void, any part of the territorial or casual revenues, fines, rents, or profits whatsoever, which were reserved to and belonged to his most Christian Majesty, before and at the time of the conquest and surrender thereof to his Majesty the King of Great Britain; but that the same, and every of them, shall remain and be continued to be levied, collected, and paid in the same manner as if this Act had never been made; any thing therein contained to the contrary notwithstanding.

VII. *And be it further enacted by the authority aforesaid*, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, and if it shall appear to the court or judge where or before whom the same shall be tried, that such action or suit is brought for any thing that was done in pursuance of and by the authority of this Act, the defendant or defendants shall be indemnified and acquitted for the same; and if such defendant or defendants shall be so acquitted, or if

Treble costs. Explained & amended. 15 Geo. 3. c. 40.

the plaintiff shall discontinue such action or suit, such court or judge shall award to the defendant or defendants treble costs.

IN THE FIFTEENTH YEAR OF THE REIGN OF GEORGE THE THIRD.—1774.

CHAPTER XL.

An ACT for amending and explaining an Act, passed in the fourteenth Year of his Majesty's Reign, entituled, "An Act to establish a Fund towards further defraying the Charges of the Administration of Justice, and Support of the Civil Government within the Province of Quebec, in America.

WHEREAS by an Act, passed in the fourteenth year of his Majesty's reign, entituled, "An Act to establish a fund towards further defraying the charges of the administration of justice, and support of the civil government within the province of Quebec, in America," it is, amongst other things, enacted, That if any goods, chargeable with any of the duties in the said act mentioned, shall be brought into the said province by land carriage, the same shall pass and be carried through the port of Saint John's, near the river Sorrel; or if such goods shall be brought into the said province by any inland navigation, other than upon the river Saint Lawrence, the same shall pass and be carried upon the said river Sorrel by the said port, and shall be there entered with, and the said respective rates and duties paid for the same, to such officer or officers of his Majesty's customs as shall be there appointed for that purpose; and if any such goods coming by land carriage or inland navigation, as aforesaid, shall pass by or beyond the said place before named, without entry or payment of the said rates and duties, or shall be brought into any part of the said

14 Geo. 3. c. 88.

province by or through any other place whatsoever, the said goods shall be forfeited; and every person who shall be assisting, or otherwise concerned, in the bringing or removing such goods, or to whose hands the same shall come, knowing that they were brought or removed contrary to this act, shall forfeit treble the value of such goods, to be estimated and computed according to the best price that each respective commodity bears in the town of Quebec at the time such offence shall be committed; and all the horses, cattle, boats, vessels, and other carriages whatsoever, made use of in the removal, carriage, or conveyance of such goods, shall be forfeited and lost, and shall and may be seized by any officer of his Majesty's customs, and prosecuted as therein after mentioned: And whereas there is reason to apprehend, that the regulations and restrictions contained in the said herein before recited clause, so far as they relate to the bringing of rum, brandy, or other spirits, into the province of Quebec, by land carriage, may, without further explanation, operate to the prejudice and disadvantage of the commerce carried on with the Indians in the upper or interior parts of the said province; we, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all his Majesty's subjects, freely to bring, carry, or convey, by land carriage or inland navigation, into any parts of the province of Quebec, not heretofore comprehended within the limits thereof by his Majesty's royal proclamation of the 7th of October, 1763, any quantity of rum, brandy, or other spirits; any thing contained in the before recited act of parliament to the contrary thereof in any wise notwithstanding.

His Majesty's subjects may bring any quantity of rum, brandy, &c.

IN THE THIRTY-FIRST YEAR OF THE REIGN OF GEORGE THE THIRD.—1790.

CHAPTER XXXI.

An ACT to repeal certain parts of an Act, passed in the fourteenth Year of his Majesty's Reign, entituled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America;" and to make further Provision for the Government of the said Province.

Preamble.

WHEREAS an Act was passed in the fourteenth year of the reign of his present Majesty, entituled, "An Act for making more effectual provision for the government of the province of Quebec, in North America;" and whereas the said Act is in many respects inapplicable to the present condition and circumstances of the said province: and whereas it is expedient and necessary that further provision should now be made for the good government and prosperity thereof: may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said act as in any manner relates to the appointment of a council for the affairs of the said province of Quebec, or to the power given by the said act to the said council, or to the major part of them, to make ordinances for the peace, welfare, and good government of the said province, with the consent of his Majesty's governor, lieutenant-governor, or commander-in-chief for the time being, shall be, and the same is hereby repealed.

14 Geo. 3. cap. 83, recited.

So much of recited Act as relates to the appointment of a Council for Quebec, or its powers, repealed.

II. And whereas his Majesty has been pleased to signify, by his message to both houses of parliament, his royal intention to divide his province of Quebec into two sepa-

rate provinces, to be called the province of Upper Canada, and the province of Lower Canada; be it enacted by the authority aforesaid, That there shall be within each of the said provinces respectively, a Legislative Council and an Assembly, to be severally composed and constituted in the manner hereinafter described; and that in each of the said provinces respectively, his Majesty, his heirs, or successors, shall have power, during the continuance of this Act, by and with the advice and consent of the Legislative Council and Assembly of such provinces respectively, to make laws for the peace, welfare, and good government thereof, such laws not being repugnant to this Act; and that all such laws, being passed by the Legislative Council and Assembly of either of the said provinces respectively, and assented to by his Majesty, his heirs or successors, or assented to in his Majesty's name, by such person as his Majesty, his heirs or successors, shall from time to time appoint to be the governor, or lieutenant-governor, of such province, or by such person as his Majesty, his heirs or successors, shall from time to time appoint to administer the government within the same, shall be, and the same are hereby declared to be; by virtue of and under the authority of this Act, valid and binding to all intents and purposes whatever, within the province in which the same shall have been so passed.

Within each of the intended provinces, a Legislative Council and Assembly to be constituted, by whose advice his Majesty may make laws for the government of the province.

III. *And be it further enacted by the authority aforesaid,* That for the purpose of constituting such Legislative Council as aforesaid, in each of the said provinces respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize and direct the governor, or lieutenant-governor, or person administering the government in each of the said provinces respectively, within the time hereinafter mentioned, in his Majesty's name, and by an instrument under the great seal of such province, to summon to the said Legislative Council, to be established in each of the said provinces respectively, a sufficient num-

His Majesty may authorize the Governor, or Lieutenant-Governor, of each province, to summon members to the Legislative Council.

ber of discreet and proper persons, being not fewer than seven, to the Legislative Council for the province of Upper Canada, and not fewer than fifteen to the Legislative Council for the province of Lower Canada; and that it shall also be lawful for his Majesty, his heirs or successors, from time to time, by an instrument under his or their sign manual, to authorize and direct the governor or lieutenant-governor, or person administering the government in each of the said provinces respectively, to summon to the Legislative Council of such province, in like manner, such other person or persons as his Majesty, his heirs or successors, shall think fit; and that every person who shall be so summoned to the Legislative Council of either of the said provinces respectively, shall thereby become a member of such Legislative Council to which he shall have been so summoned.

No person under 21 years of age, &c. to be summoned.

IV. *Provided always, and be it enacted by the authority aforesaid,* That no person shall be summoned to the said Legislative Council, in either of the said provinces, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty naturalized by act of the British parliament, or a subject of his Majesty, having become such by the conquest and cession of the province of Canada.

Members to hold their seats for life.

V. *And be it further enacted by the authority aforesaid,* That every member of each of the said Legislative Councils shall hold his seat therein for the term of his life, but subject nevertheless to the provisions hereinafter contained for vacating the same, in the cases hereinafter specified.

His Majesty may annex to hereditary titles of honour, the right of being summoned to the Legislative Council.

VI. *And be it further enacted by the authority aforesaid,* That whenever his Majesty, his heirs or successors, shall think proper to confer upon any subject of the crown of Great Britain, by letters patent under the great seal of either of the said provinces, any hereditary title of honour, rank, or dignity of such province, descendible according

to any course of descent limited in such letters patent, it shall and may be lawful for his Majesty, his heirs or successors, to annex thereto, by the said letters patent, if his Majesty, his heirs or successors, shall so think fit, an hereditary right of being summoned to the Legislative Council of such province, descendible according to the course of descent so limited with respect to such title, rank, or dignity; and that every person on whom such right shall be so conferred, or to whom such right shall severally so descend, shall thereupon be entitled to demand from the governor, lieutenant-governor, or person administering the government of such province, his writ of summons to such Legislative Council, at any time after he shall have attained the age of twenty-one years, subject nevertheless to the provisions hereinafter contained.

Such descendible right forfeited, and

VII. *Provided always, and be it further enacted by the authority aforesaid,* That when and so often as any person to whom such hereditary right shall have descended, shall, without the permission of his Majesty, his heirs or successors, signified to the Legislative Council of the province by the governor, lieutenant-governor, or person administering the government there, have been absent from the said province for the space of four years continually, at any time between the date of his succeeding to such right, and the time of his applying for such writ of summons, if he shall have been of the age of twenty-one years or upwards at the time of his so succeeding, or at any time between the date of his attaining the said age and the time of his so applying, if he shall not have been of the said age at the time of his so succeeding; and also when and so often as any such person shall at any time, before his applying for such writ of summons, have taken any oath of allegiance or obedience to any foreign prince or power, in every such case such person shall not be entitled to receive any writ of summons to the Legislative Council by virtue of such hereditary right, unless his Majesty, his heirs or

successors, shall at any time think fit, by instrument under his or their sign manual, to direct that such person shall be summoned to the said Council; and the governor, lieutenant-governor, or person administering the government in the said provinces respectively, is hereby authorized and required, previous to granting such writ of summons to any person so applying for the same, to interrogate such person upon oath, touching the said several particulars, before such Executive Council as shall have been appointed by his Majesty, his heirs or successors, within such province, for the affairs thereof.

Seats in council vacated in certain cases.

VIII. *Provided also, and be it further enacted by the authority aforesaid,* That if any member of the Legislative Councils of either of the said provinces respectively, shall leave such province, and shall reside out of the same for the space of four years continually, without the permission of his Majesty, his heirs or successors, signified to such Legislative Council by the governor or lieutenant-governor, or person administering his Majesty's government there, or for the space of two years continually, without the like permission, or the permission of the governor, lieutenant-governor, or person administering the government of such province, signified to such Legislative Council in the manner aforesaid; or if any such member shall take any oath of allegiance or obedience to any foreign prince or power, his seat in such Council shall thereby become vacant.

Hereditary rights and seats so forfeited or vacated, to remain suspended during the lives of the parties, but on their deaths to go to the person next entitled thereto.

IX. *Provided also, and be it further enacted by the authority aforesaid,* That in every case where a writ of summons to such Legislative Council shall have been lawfully withheld from any person to whom such hereditary right as aforesaid, shall have descended, by reason of such absence from the province as aforesaid, or of his having taken an oath of allegiance or obedience to any foreign prince or power, and also in every case where the seat in

such Council of any member thereof, having such hereditary right as aforesaid, shall have been vacated by reason of any of the causes herein before specified, such hereditary right shall remain suspended during the life of such person, unless his Majesty, his heirs or successors, shall afterwards think fit to direct that he be summoned to such council; but that on the death of such person, such right, subject to the provisions herein contained, shall descend to the person who shall next be entitled thereto, according to the course of descent limited in the letters patent by which the same shall have been originally conferred.

Seats in Council forfeited, and hereditary rights extinguished, for treason.

X. *Provided also, and be it further enacted by the authority aforesaid,* That if any member either of the said Legislative Councils shall be attainted for treason in any court of law within any of his Majesty's dominions, his seat in such Council shall thereby become vacant, and any such hereditary right as aforesaid then vested in such person, or to be derived to any other persons through him, shall be utterly forfeited and extinguished.

Questions respecting the right to be summoned to Council, &c. to be determined as herein mentioned.

XI. *Provided also, and be it further enacted by the authority aforesaid,* That whenever any question shall arise respecting the right of any person to be summoned to either of the said Legislative Councils respectively, or respecting the vacancy of the seat in such Legislative Council, of any person having been summoned thereto, every such question shall, by the governor, or lieutenant-governor of the province, or by the person administering the government there, be referred to such Legislative Council, to be by the said Council heard and determined; and that it shall and may be lawful either for the person desiring such writ of summons, or respecting whose seat such question shall have arisen, or for his Majesty's attorney-general of such province in his Majesty's name, to appeal from the determination of the said Council, in such case, to his Majesty in his parliament of Great Britain;

and that the judgment thereon of his Majesty in his said parliament shall be final and conclusive to all intents and purposes whatever.

The Governor of the province may appoint and remove the Speaker.

XII. *And be it further enacted by the authority aforesaid,* That the governor or lieutenant-governor of the said provinces respectively, or the person administering his Majesty's government therein respectively, shall have power and authority from time to time, by an instrument under the great seal of such province, to constitute, appoint, and remove the speakers of the Legislative Councils of such provinces respectively.

His Majesty may authorize the Governor to call together the Assembly.

XIII. *And be it further enacted by the authority aforesaid,* That, for the purpose of constituting such Assembly as aforesaid, in each of the said provinces respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize and direct the governor or lieutenant-governor, or person administering the government in each of the said provinces respectively, within the time hereinafter mentioned, and thereafter from time to time, as occasion shall require, in his Majesty's name, and by an instrument under the great seal of such province, to summon and call together an Assembly in and for such province.

and, for the purpose of electing the members, to issue a proclamation dividing the province into districts, &c.

XIV. *And be it further enacted by the authority aforesaid,* That, for the purpose of electing the members of such Assemblies respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize the governor or lieutenant-governor of each of the said provinces respectively, or the person administering the government therein, within the time hereinafter mentioned, to issue a proclamation dividing such province into districts, or counties, or circles, and towns or townships, and appointing the limits thereof, and declaring and appointing the number of representatives to be chosen by each of such districts, or counties, or circles, and towns or townships respectively; and that it

shall also be lawful for his Majesty, his heirs or successors, to authorize such governor or lieutenant-governor, or person administering the government, from time to time to nominate and appoint proper persons to execute the office of returning officer in each of the said districts, or counties, or circles, and towns or townships respectively; and that such division of the said provinces into districts, or counties, or circles, and towns or townships, and such declaration and appointment of the number of representatives to be chosen by each of the said districts, or counties, or circles, and towns or townships, respectively, and also such nomination and appointment of returning officers in the same, shall be valid and effectual to all the purposes of this Act, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the province, assented to by his Majesty, his heirs or successors.

Power of the Governor to appoint returning officers to continue two years from the commencement of this Act.

XV. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That the provision herein before contained, for empowering the governor, lieutenant-governor, or person administering the government of the said provinces respectively, under such authority as aforesaid from his Majesty, his heirs or successors, from time to time, to nominate and appoint proper persons to execute the office of returning officer in the said districts, counties, circles, and towns or townships, shall remain and continue in force in each of the said provinces respectively, for the term of two years, from and after the commencement of this Act, within such province, and no longer; but subject nevertheless to be sooner repealed or varied by any Act of the Legislative Council and Assembly of the province, assented to by his Majesty, his heirs or successors.

No person obliged to serve as returning officer more than once, unless otherwise provided by

XVI. *Provided always, and be it further enacted by the authority aforesaid,* That no person shall be obliged to execute the said office of returning officer for any longer time than one year, or oftener than once, unless it shall at

any time be otherwise provided by any Act of the Legislative Council and Assembly of the province, assented to by his Majesty, his heirs or successors. an act of the province.

XVII. *Provided also, and be it enacted by the authority aforesaid,* That the whole number of members to be chosen in the province of *Upper Canada* shall not be less than sixteen, and that the whole number of members to be chosen in the province of *Lower Canada* shall not be less than fifty. Number of members in each province

XVIII. *And be it further enacted by the authority aforesaid,* That writs for the election of members to serve in the said Assemblies respectively, shall be issued by the governor, lieutenant-governor, or person administering his Majesty's government within the said provinces respectively, within fourteen days after the sealing of such instrument as aforesaid, for summoning and calling together such Assembly, and that such writs shall be directed to the respective returning officers of the said districts, or counties, or circles, and towns or townships, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the province, assented to by his Majesty, his heirs or successors; and that writs shall in like manner and form be issued for the election of members in the case of any vacancy which shall happen by the death of the person chosen, or by his being summoned to the Legislative Council of either province, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any act of the Legislative Council and Assembly of the province, assented to by his Majesty, his heirs or successors; and that in the case of any such vacancy which shall happen by the death of the person chosen, or by reason of his being so summoned as aforesaid, the writ for the election of a new Regulations for issuing writs for the election of members to serve in the Assemblies.

member shall be issued within six days after the same shall be made known to the proper office for issuing such writs of election.

Returning officers to execute writs.

XIX. *And be it further enacted by the authority aforesaid,* That all and every the returning officers so appointed as aforesaid, to whom any such writs as aforesaid shall be directed, shall, and they are hereby authorized and required duly to execute such writs.

By whom the members are to be chosen.

XX. *And be it further enacted by the authority aforesaid,* That the members for the several districts, or counties, or circles of the said provinces respectively, shall be chosen by the majority of votes of such persons as shall severally be possessed, for their own use and benefit, of lands or tenements within such district, or county, or circle, as the case shall be, such lands being by them held in freehold or in fief, or in roture, or by certificate derived under the authority of the governor and council of the province of Quebec, and being of the yearly value of forty shillings sterling, or upwards, over and above all rents and charges payable out of or in respect of the same; and that the members for the several towns or townships within the said provinces respectively shall be chosen by the majority of votes of such persons as either shall severally be possessed, for their own use and benefit, of a dwelling-house and lot of ground in such town or township, such dwelling-house and lot of ground being by them held in like manner as aforesaid, and being of the yearly value of five pounds sterling, or upwards, or, as having been resident within the said town or township, for the space of twelve calendar months next before the date of the writ of summons for the election, shall *bona fide* have paid one year's rent for the dwelling-house in which they shall have so resided, at the rate of ten pounds sterling per annum, or upwards.

Certain persons not eligible to the Assemblies.

XXI. *Provided always, and be it further enacted by the authority aforesaid,* That no person shall be capable of being elected a member to serve in either of the said

Assemblies, or of sitting or voting therein, who shall be a member of either of the said Legislative Councils to be established as aforesaid in the said two provinces, or who shall be a minister of the church of England, or a minister, priest, ecclesiastic, or teacher, either according to the rites of the church of Rome, or under any other form or profession of religious faith or worship.

No person under 21 years of age, &c. capable of voting or being elected;

XXII. *Provided also, and be it further enacted by the authority aforesaid,* That no person shall be capable of voting at any election of a member to serve in such Assembly, in either of the said provinces, or of being elected at any such election, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty naturalized by act of the British parliament, or a subject of his Majesty, having become such by the conquest and cession of the province of Canada.

nor any person attainted for treason or felony,

XXIII. *And be it also enacted by the authority aforesaid,* That no person shall be capable of voting at any election of a member to serve in such Assembly, in either of the said provinces, or of being elected at any such election, who shall have been attainted for treason or felony in any court of law within any of his Majesty's dominions, or who shall be within any description of persons disqualified by any act of the Legislative Council and Assembly of the province, assented to by his Majesty, his heirs or successors.

Voters, if required, to take the following

XXIV. *Provided also, and be it further enacted by the authority aforesaid,* That every voter, before he is admitted to give his vote at any such election, shall, if required by any of the candidates, or by the returning officer, take the following oath, which shall be administered in the English or French language, as the case may require:

Oath,

I A. B. *do declare and testify, in the presence of Almighty God, that I am, to the best of my knowledge and*

belief, of the full age of twenty-one years, and that I have not voted before at this election.

and to make oath to the particulars herein specified.

And that every such person shall also, if so required as aforesaid, make oath, previous to his being admitted to vote, that he is, to the best of his knowledge and belief, duly possessed of such lands and tenements, or of such a dwelling-house and lot of ground, or that he has *bonâ fide* been so resident, and paid such rent for his dwelling-house, as entitles him, according to the provisions of this Act, to give his vote at such election for the county or district, or circle, or for the town or township for which he shall offer the same.

His Majesty may authorize the Governor to fix the time and place for holding elections,

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor, or lieutenant-governor, or person administering the government, within each of the said provinces respectively, to fix the time and place of holding such elections, giving not less than eight days notice of such time, subject nevertheless to such provisions as may hereafter be made in these respects by any Act of the Legislative Council and Assembly of the province, assented to by his Majesty, his heirs or successors.

and of holding the sessions of the Council and Assembly, &c.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor, or lieutenant-governor of each of the said provinces respectively, or the person administering the government therein, to fix the places and times of holding the first and every other session of the Legislative Council and Assembly of such province, giving due and sufficient notice thereof, and to prorogue the same from time to time, and to dissolve the same, by proclamation or otherwise, whenever he shall judge it necessary or expedient.

Council & Assembly to be called to-

XXVII. *Provided always, and be it enacted by the authority aforesaid,* That the said Legislative Council and

Assembly, in each of the said provinces, shall be called together once at the least in every twelve calendar months, and that every Assembly shall continue for four years from the day of the return of the writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the governor or lieutenant-governor of the province, or person administering his Majesty's government therein. gether once in 12 months, &c.

XXVIII. *And be it further enacted by the authority aforesaid,* That all questions which shall arise in the said Legislative Councils or Assemblies respectively, shall be decided by the majority of voices of such members as shall be present; and that in all cases where the voices shall be equal, the Speaker of such Council or Assembly, as the case shall be, shall have a casting voice. and all questions therein to be decided by the majority of votes.

XXIX. *Provided always, and be it enacted by the authority aforesaid,* That no member either of the Legislative Council or Assembly, in either of the said provinces, shall be permitted to sit or to vote therein, until he shall have taken and subscribed the following oath, either before the governor or lieutenant-governor of such province, or person administering the government therein, or before some person or persons authorized by the said governor or lieutenant-governor, or other person as aforesaid, to administer such oath, and that the same shall be administered in the English or French language, as the case shall require: No member to sit or vote till he has taken the following

I A. B. *do sincerely promise and swear, That I will be faithful, and bear true allegiance to his Majesty, King George, as lawful Sovereign of the kingdom of Great Britain, and of these provinces dependant on and belonging to the said kingdom; and that I will defend him to the utmost of my power against all traiterous conspiracies and attempts whatever which shall be made against his person, crown, and dignity; and that I will do my utmost endeavour to disclose and make known to his Majesty, his heirs,* Oath.

or successors, all treasons and traiterous conspiracies and attempts which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or power whatever to the contrary.—So help me God.

Governor may give or withhold his Majesty's assent to bills passed by the Legislative Council and Assembly, or reserve them for his Majesty's pleasure.

XXX. *And be it further enacted by the authority aforesaid,* That whenever any bill which has been passed by the Legislative Council, and by the House of Assembly, in either of the said provinces respectively, shall be presented, for his Majesty's assent, to the governor or lieutenant-governor of such province, or to the person administering his Majesty's government therein, such governor or lieutenant-governor, or person administering the government shall, and he is hereby authorized and required to declare, according to his discretion, but subject nevertheless to the provisions contained in this Act, and to such instructions as may from time to time be given in that behalf by his Majesty, his heirs or successors, that he assents to such bill in his Majesty's name, or that he withholds his Majesty's assent from such bill, or that he reserves such bill for the signification of his Majesty's pleasure thereon.

Governor to transmit to the Secretary of State, copies of such bills as have been assented to, which his Majesty in Council may declare his disallowance of, within two years from the receipt.

XXXI. *Provided always, and be it further enacted by the authority aforesaid,* That whenever any bill, which shall have been so presented for his Majesty's assent to such governor, lieutenant-governor, or person administering the government, have been assented to in his Majesty's name, such governor, lieutenant-governor, or person as aforesaid, shall, and he is hereby required, by the first convenient opportunity, to transmit to one of his Majesty's principal Secretaries of State, an authentic copy of such bill so assented to; and that it shall and may be lawful, at any time within two years after such bill shall have been so received by such Secretary of State, for his Majesty, his heirs or successors, by his or their order in

Council, to declare his or their disallowance of such bill, and that such disallowance, together with a certificate, under the hand and seal of such Secretary of State, testifying the day on which such bill was received as aforesaid, being signified by such Governor, Lieutenant-Governor, or person administering the government, to the Legislative Council and Assembly of such province, or by proclamation, shall make void and annul the same, from and after the date of such signification.

Bills reserved for his Majesty's pleasure not to have any force till his Majesty's assent be communicated to the Council and Assembly, &c.

XXXII. *And be it further enacted by the authority aforesaid*, That no such bill, which shall be so reserved for the signification of his Majesty's pleasure thereon, shall have any force or authority within either of the said provinces respectively, until the Governor, or Lieutenant-Governor, or person administering the government, shall signify, either by speech or message, to the Legislative Council and Assembly of such province, or by proclamation, that such bill has been laid before his Majesty in Council, and that his Majesty has been pleased to assent to the same; and that an entry shall be made, in the Journals of the said Legislative Council, of every such speech, message, or proclamation; and a duplicate thereof, duly attested, shall be delivered to the proper officer, to be kept amongst the public records of the province; and that no such bill, which shall be so reserved as aforesaid, shall have any force or authority within either of the said provinces respectively, unless his Majesty's assent thereto shall have been so signified as aforesaid, within the space of two years from the day on which such bill shall have been presented for his Majesty's assent to the Governor, Lieutenant-Governor, or person administering the government of such province.

Laws in force at the commencement of this Act to continue so, ex-

XXXIII. *And be it further enacted, by the authority aforesaid*, That all laws, statutes, and ordinances, which shall be in force on the day to be fixed in the manner hereinafter directed for the commencement of this Act, within

except repealed or varied by it, &c.

the said provinces, or either of them, or in any part thereof respectively, shall remain and continue to be of the same force, authority, and effect, in each of the said provinces respectively, as if this Act had not been made, and as if the said province of Quebec had not been divided; except in so far as the same are expressly repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue of and under the authority of this Act, be repealed or varied by his Majesty, his heirs, or successors, by and with the advice and consent of the Legislative Councils and Assemblies of the said provinces respectively, or in so far as the same may be repealed or varied by such temporary laws or ordinances as may be made in the manner herein-after specified.

Establishment of a Court of civil jurisdiction in each province.

XXXIV. And whereas by an ordinance passed in the province of Quebec, the Governor and Council of the said province were constituted a Court of civil jurisdiction, for hearing and determining appeals in certain cases therein specified, *be it further enacted by the authority aforesaid*, That the Governor, or Lieutenant-Governor, or person administering the government of each of the said provinces respectively, together with such Executive Council as shall be appointed by his Majesty for the affairs of such province, shall be a Court of civil jurisdiction within each of the said provinces respectively, for hearing and determining appeals within the same, in the like cases, and in the like manner and form, and subject to such appeal therefrom, as such appeals might before the passing of this Act have been heard and determined by the Governor and Council of the province of Quebec; but subject nevertheless to such further or other provisions as may be made in this behalf, by any Act of the Legislative Council and Assembly of either of the said provinces respectively, assented to by his Majesty, his heirs, or successors.

14 Geo. 3, c. 83, and

XXXV. And whereas, by the above-mentioned Act, passed in the 14th year of the reign of his present Majes-

ty, it was declared, That the clergy of the church of Rome, in the province of Quebec, might hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as should profess the said religion; provided nevertheless that it should be lawful for his Majesty, his heirs, or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said province as he or they should, from time to time, think necessary and expedient. And whereas by his Majesty's royal instructions, given under his Majesty's royal sign manual, on the 3d day of January, in the year of our Lord 1775, to Guy Carleton, Esq. now Lord Dorchester, at that time his Majesty's Captain-General and Governor in Chief in and over his Majesty's province of Quebec, his Majesty was pleased, amongst other things, to direct, "That no incumbent professing the religion of the church of Rome, appointed to any parish in the said province, should be entitled to receive any tithes for lands or possessions occupied by a Protestant, but that such tithes should be received by such persons as the said Guy Carleton, Esq. his Majesty's Captain-General and Governor in Chief in and over his Majesty's said province of Quebec, should appoint, and should be reserved in the hands of his Majesty's Receiver-General of the said province, for the support of a Protestant clergy in his Majesty's said province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton, Esq. his Majesty's Captain-General and Governor in Chief in and over his Majesty's said province, should receive from his Majesty in that behalf; and that in like manner all growing rents and profits of a vacant benefice should, during such vacancy, be reserved for and applied to the like uses:" And whereas his Majesty's pleasure has likewise been signified to the same effect in his Majesty's royal instructions,

instructions of January 3, 1775, to Sir Guy Carleton, &c. and

instructions to Sir Frederick Haldi-

mand and to Lord Dorchester, recited,

given in like manner to Sir Frederick Haldimand, Knight of the most honourable Order of the Bath, late his Majesty's Captain-General and Governor in Chief in and over his Majesty's said province of Quebec; and also in his Majesty's royal instructions, given in like manner to the said Right Honourable Guy Lord Dorchester, now his Majesty's Captain-General and Governor in Chief in and over his Majesty's said province of Quebec: *be it enacted by the authority aforesaid,* That the said declaration and provision contained in the said above-mentioned Act, and also the said provision so made by his Majesty in consequence thereof, by his instructions above recited, shall remain and continue to be of full force and effect in each of the said two provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any act or acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by his Majesty, his heirs, or successors, under the restriction herein after provided.

and the declaration and provisions therein respecting the clergy of the church of Rome to continue in force.

His Majesty's message to Parliament recited.

XXXVI. And whereas his Majesty has been graciously pleased, by message to both Houses of Parliament, to express his royal desire to be enabled to make a permanent appropriation of lands in the said provinces, for the support and maintenance of a Protestant clergy within the same in proportion to such lands as have been already granted within the same by his Majesty: And whereas his Majesty has been graciously pleased, by his said message, further to signify his royal desire that such provision may be made, with respect to all future grants of land within the said provinces respectively, as may best conduce to the due and sufficient support and maintenance of a Protestant clergy within the said provinces, in proportion to such increase as may happen in the population and cultivation thereof: therefore, for the purpose of more effectually ful-

filling his Majesty's gracious intentions as aforesaid, and of providing for the due execution of the same in all time to come, be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant-Governor of each of the said provinces respectively, or the person administering the government therein, to make, from and out of the lands of the Crown within such provinces, such allotment and appropriation of lands, for the support and maintenance of a Protestant Clergy within the same, as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty: And that whenever any grant of lands within either of the said provinces shall hereafter be made, by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above-mentioned purpose, within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands, so allotted and appropriated, shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

His Majesty may authorize the Governor to make allotments of lands for the support of a Protestant Clergy in each province;

XXXVII. *And be it further enacted by the authority aforesaid,* That all and every the rents, profits, or emoluments, which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant

and the rents arising from such allotments to be applicable to that purpose solely.

Clergy within the province in which the same shall be situated, and to no other use or purpose whatever.

His Majesty may authorize the Governor, with the advice of the Executive Council, to erect parsonage, and endow them;

XXXVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant-Governor of each of the said provinces respectively, or the person administering the government therein, from time to time, with the advice of such Executive Council as shall have been appointed by his Majesty, his heirs or successors, within such province, for the affairs thereof, to constitute and erect, within every township or parish which now is or hereafter may be formed, constituted, or erected, within such province, one or more parsonage or rectory, or parsonages or rectories, according to the establishment of the Church of England; and from time to time, by an instrument under the Great Seal of such province, to endow every such parsonage or rectory with so much or such part of the lands so allotted and appropriated as aforesaid, in respect of any lands within such township or parish, which shall have been granted subsequent to the commencement of this Act, or of such lands as may have been allotted and appropriated for the same purpose, by or in virtue of any instruction which may be given by his Majesty, in respect of any lands granted by his Majesty before the commencement of this Act, as such Governor, Lieutenant-Governor, or person administering the government, shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances of such township or parish.

and the Governor to present incumbents to them, who are to enjoy the same as incumbents in England.

XXXIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor, Lieutenant-Governor, or person administering the government of each of the said provinces respectively, to present to every such parsonage or rectory an incumbent or minister of the Church of England, who shall have

been duly ordained according to the rites of the said Church, and to supply from time to time such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory shall hold and enjoy the same, and all rights, profits, and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England.

Presentations to parsonages, and the enjoyment of them, to be subject to the jurisdiction granted to the Bishop of Nova Scotia, &c.

*XL. *Provided always, and be it further enacted by the authority aforesaid,* That every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits, and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority, which have been lawfully granted by his Majesty's royal letters patent to the Bishop of Nova Scotia, or which may hereafter, by his Majesty's royal authority, be lawfully granted or appointed to be administered and executed within the said provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the Church of England, which are lawfully made and received in England.

Provisions respecting the allotment of lands for the support of a Protestant Clergy, &c. may be varied or repealed by the Legislative Council and Assembly.

XLI. *Provided always, and be it further enacted by the authority aforesaid,* That the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the said provinces, and also respecting the constituting, erecting, and endowing, parsonages or rectories within the said provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to

be varied or repealed by any express provisions for that purpose, contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by his Majesty, his heirs or successors, under the restriction hereinafter provided.

Acts of the Legislative Council and Assembly, containing provisions to the effect herein mentioned to be laid before Parliament, previous to receiving his Majesty's assent, &c.

XLII. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said provinces, containing any provisions to vary or repeal the above recited declaration and provision contained in the said Act passed in the fourteenth year of the reign of his present Majesty; or to vary or repeal the above recited provision contained in his Majesty's royal instructions, given on the third day of January, in the year of our Lord 1775, to the said Guy Carleton, Esquire, now Lord Dorchester; or to vary or repeal the provisions hereinbefore contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions hereinbefore contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces; or respecting the constituting, erecting, or endowing parsonages or rectories within the said provinces; or respecting the presentation of incumbents or ministers to the same; or respecting the manner in which such incumbents or ministers shall hold and enjoy the same: and also, that whenever any Act or Acts shall be so passed, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burthens, disabilities, or disqualifications in respect of the same; or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights hereinbefore mentioned; or shall in any manner relate to the

granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic, or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the church of England, amongst the ministers and members thereof within the said provinces; or shall in any manner relate to or affect the king's prerogative touching the granting the waste lands of the crown within the said provinces; every such Act or Acts shall, previous to any declaration or signification of the King's assent thereto, be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for his Majesty, his heirs or successors, to signify his or their assent to any such Act or Acts, until thirty days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall, within the said thirty days, address his Majesty, his heirs or successors, to withhold his or their assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said purposes, within either of the said provinces, unless the Legislative Council and Assembly of such province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant-Governor, or person administering the government of such province, an address or addresses, specifying that such Act contains provisions for some of the said purposes hereinbefore specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of his Majesty's assent thereto.

Lands in Upper Canada to be granted in

XLIII. *And be it further enacted by the authority aforesaid,* That all lands which shall be hereafter granted

free and common soccage, and also in Lower Canada, if desired.

within the said province of Upper Canada shall be granted in free and common soccage, in like manner as lands are now holden in free and common soccage, in that part of Great Britain called England; and that in every case where lands shall be hereafter granted within the said province of Lower Canada, and where the grantee thereof shall desire the same to be granted in free and common soccage, the same shall be so granted; but subject nevertheless to such alterations, with respect to the nature and consequences of such tenure of free and common soccage, as may be established by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of the Province.

Persons holding lands in Upper Canada may have fresh grants.

XLIV. *And be it further enacted by the authority aforesaid*, That if any person or persons holding any lands in the said province of Upper Canada, by virtue of any certificate of occupation derived under the authority of the Governor and Council of the province of Quebec, and having power and authority to alienate the same, shall at any time, from and after the commencement of this Act, surrender the same into the hands of his Majesty, his heirs or successors, by petition to the Governor or Lieutenant-Governor, or person administering the government of the said province, setting forth that he, she, or they, is or are desirous of holding the same in free and common soccage, such Governor or Lieutenant-Governor, or person administering the government, shall thereupon cause a fresh grant to be made to such person or persons of such lands, to be holden in free and common soccage.

Such fresh grants not to bar any right or title to the lands.

XLV. *Provided nevertheless, and be it further enacted by the authority aforesaid*, That such surrender and grant shall not avoid or bar any right or title to any such lands so surrendered, or any interest in the same, to which any person or persons, other than the person or persons sur-

rendering the same, shall have been entitled, either in possession, remainder, or reversion, or otherwise, at the time of such surrender; but that every such surrender and grant shall be made subject to every such right, title, and interest, and that every such right, title, or interest, shall be as valid and effectual as if such surrender and grant had never been made.

XLVI. And whereas, by an Act passed in the eighteenth year of the reign of his present Majesty, entituled, "An Act for removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain, in any of the colonies, provinces, and plantations in North America and the West Indies; and for repealing so much of an Act, made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from Great Britain into any colony or plantation in America, or relates thereto," it has been declared, "That the King and Parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty's colonies, provinces, and plantations in North America or the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce, the net produce of such duties to be always paid and applied to and for the use of the colony, province, or plantation in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective General Courts or General Assemblies of such colonies, provinces, or plantations, are ordinarily paid and applied:" And whereas it is necessary, for the general benefit of the British Empire, that such power of regulation of commerce should continue to be exercised by his Majesty, his heirs or successors, and the Parliament of Great Britain, subject nevertheless to the condition hereinbefore recited, with respect to the application of any duties which may be imposed for that purpose: Be it therefore

18 Geo. III. c. 12, recited.

This Act not to prevent the operation of any Act of Parliament, establishing prohibitions or imposing duties for the regulation of navigation and commerce, &c.

enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to prevent or affect the execution of any law which hath been or shall at any time be made by his Majesty, his heirs or successors, and the Parliament of Great Britain, for establishing regulations or prohibitions, or for imposing, levying, or collecting duties for the regulation of navigation, or for the regulation of the commerce to be carried on between the said two provinces, or between either of the said provinces and any other part of his Majesty's dominions, or between either of the said provinces and any foreign country or state, or for appointing and directing the payment of drawbacks of such duties so imposed, or to give to his Majesty, his heirs or successors, any power or authority, by and with the advice and consent of such Legislative Councils and Assemblies respectively, to vary or repeal any such law or laws, or any part thereof, or in any manner to prevent or obstruct the execution thereof.

Such duties to be applied to the use of the respective provinces.

XLVII. *Provided always, and be it enacted by the authority aforesaid,* That the net produce of all duties which shall be so imposed, shall at all times hereafter be applied to and for the use of each of the said provinces respectively, and in such manner only as shall be directed by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of such province.

His Majesty in Council to fix and declare the commencement of this Act, &c.

XLVIII. And whereas, by reason of the distance of the said provinces from this country, and of the change to be made by this Act in the government thereof, it may be necessary that there should be some interval of time between the notification of this Act to the said provinces respectively, and the day of its commencement within the said provinces respectively; Be it therefore enacted, by the authority aforesaid, That it shall and may be lawful for his Majesty, with the advice of his Privy Council, to

fix and declare, or to authorize the Governor or Lieutenant-Governor of the province of Quebec, or the person administering the government there, to fix and declare the day of the commencement of this Act within the said provinces respectively, provided that such day shall not be later than the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-one.

Time for issuing the writs of summons and election, &c. not to be later than Dec. 31, 1792.

XLIX. *And be it further enacted by the authority aforesaid,* That the time to be fixed by his Majesty, his heirs or successors, or under his or their authority, by the Governor, Lieutenant-Governor, or person administering the government in each of the said provinces respectively, for issuing the writs of summons and election, and calling together the Legislative Councils and Assemblies of each of the said provinces respectively, shall not be later than the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two.

Between the commencement of this Act, and the first meeting of the Legislative Council and Assembly, temporary laws may be made.

L. *Provided always, and be it further enacted by the authority aforesaid,* That during such interval as may happen between the commencement of this Act, within the said provinces respectively, and the first meeting of the Legislative Council and Assembly of each of the said provinces respectively, it shall and may be lawful for the Governor or Lieutenant-Governor of such province, or for the person administering the government therein, with the consent of the major part of such Executive Council as shall be appointed by his Majesty for the affairs of such province, to make temporary laws and ordinances for the good government, peace, and welfare of such province, in the same manner and under the same restrictions, as such laws or ordinances might have been made by the Council for the affairs of the province of Quebec, constituted by virtue of the abovementioned Act of the fourteenth year of the reign of his present Majesty; and that

such temporary laws or ordinances shall be valid and binding within such province, until the expiration of six months after the Legislative Council and Assembly of such province shall have been first assembled by virtue of and under the authority of this Act; subject nevertheless to be sooner repealed or varied by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the said Legislative Council and Assembly.

IN THE FORTY-THIRD YEAR OF GEORGE THE THIRD.—1803.

CHAPTER CXXXVIII.

An ACT for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces.

WHEREAS crimes and offences have been committed in the Indian territories, and other parts of America, not within the limits of the provinces of Lower or Upper Canada, or either of them, or of the jurisdiction of any of the courts established in those provinces, or within the limits of any civil government of the United States of America, and are therefore not cognizable by any jurisdiction whatever, and by reason thereof great crimes and offences have gone, and may hereafter go unpunished, and greatly increase: for remedy whereof may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the passing of this Act, all

Offences committed within any of the Indian

offences committed within any of the Indian territories, or parts of America not within the limits of either of the said provinces of Lower or Upper Canada, or of any civil government of the United States of America, shall be and be deemed to be offences of the same nature, and shall be tried in the same manner, and subject to the same punishment, as if the same had been committed within the provinces of Lower or Upper Canada.

territories, &c. shall be tried in the same manner as if committed within the provinces of Lower or Upper Canada.

II. *And be it further enacted*, That it shall be lawful for the Governor, or Lieutenant-Governor, or person administering the government for the time being of the province of Lower Canada, by commission under his hand and seal, to authorize and empower any person or persons wheresoever resident or being at the time to act as civil magistrates and justices of the peace, for any of the Indian territories or parts of America, not within the limits of either of the said provinces, or of any civil government of the United States of America, as well as within the limits of either of the said provinces, either upon informations taken or given within the said provinces of Lower or Upper Canada, or out of the said provinces in any part of the Indian territories or parts of America aforesaid, for the purpose only of hearing crimes and offences, and committing any person or persons guilty of any crime or offence to safe custody, in order to his or their being conveyed to the said province of Lower Canada, to be dealt with according to law; and it shall be lawful for any person or persons whatever to apprehend and take before any persons so commissioned as aforesaid, or to apprehend and convey, or cause to be safely conveyed with all convenient speed, to the province of Lower Canada, any person or persons guilty of any crime or offence, there to be delivered into safe custody, for the purpose of being dealt with according to law.

The Governor of Lower Canada may empower persons to act as justices for the Indian territories, &c. for committing offenders till conveyed to Canada for trial, &c.

III. *And be it further enacted*, That every such offender may and shall be prosecuted and tried in the courts of the

Place and manner of trial of such offenders.

province of Lower Canada, (or if the Governor or Lieutenant Governor, or person administering the government for the time being, shall, from any of the circumstances of the crime or offence, or the local situation of any of the witnesses for the prosecution or defence, think that justice may more conveniently be administered in relation to such crime or offence in the province of Upper Canada, and shall by any instrument under the great seal of the province of Lower Canada, declare the same, then that every such offender may and shall be prosecuted and tried in the courts of the province of Upper Canada), in which crimes or offences of the like nature are usually tried, and where the same would have been tried if such crime or offence had been committed within the limits of the province where the same shall be tried under this Act; and every offender tried and convicted under this Act, shall be liable and subject to such punishment as may by any law in force in the province where he or she shall be tried, be inflicted for such crime or offence; and such crime or offence may and shall be laid and charged to have been committed within the jurisdiction of such court, and such court may and shall proceed therein to trial, judgment, and execution, or other punishment for such crime or offence in the same manner in every respect as if such crime or offence had been really committed within the jurisdiction of such court; and it shall also be lawful for the judges and other officers of the said courts to issue subpœnas and other processes for enforcing the attendance of witnesses on any such trial; and such subpœnas and other processes shall be as valid and effectual, and be in full force and put in execution in any parts of the Indian territories, or other parts of America out of and not within the limits of the civil government of the United States of America, as well as within the limits of either of the said provinces of Lower or Upper Canada, in relation to the trial of any crimes or offences by this Act made cognizable in such court, or to the more

speedily and effectually bringing any offender or offenders to justice under this Act, as fully and amply as any subpœnas or other processes are, within the limits of the jurisdiction of the court, from which any such subpœnas or processes shall issue as aforesaid; any act or acts, law or laws, custom, usage, matter, or thing to the contrary notwithstanding.

Offenders not being Subjects of his Majesty, and also within the limits, belonging to any European State, shall be acquitted.

IV. *Provided always, and be it further enacted,* That if any crime or offence charged and prosecuted under this Act, shall be proved to have been committed by any person or persons not being a subject or subjects of his Majesty, and also within the limits of any colony, settlement, or territory belonging to any European state, the court before which such prosecution shall be had, shall forthwith acquit such person or persons not being such subject or subjects as aforesaid, of such charge.

But Subjects to his Majesty shall be tried, although offence be committed in another European State.

V. *Provided nevertheless,* That it shall and may be lawful for such court to proceed in the trial of any other person, being a subject or subjects of his Majesty, who shall be charged with the same or any other offence, notwithstanding such offence shall appear to have been committed within the limits of any colony, settlement, or territory, belonging to any European state as aforesaid.

APPENDIX.

No. II.

(The Reader will observe that the matter intended for No. 2, and referred to from page 485, has been transferred to the body of the work.)

[A FEW weeks after the Parliament of Upper Canada was prorogued by Colonel Smith, the Administrator, April 1st, 1818, a pamphlet was printed at Dundas, in the District of Gore, and published through the Province by the personal exertions of several Assembly-men, anxious to retain their popularity, and to uphold the conduct of the Commons House of Assembly. I never inquired nor heard who was the author of this pamphlet. For some time I imagined that it was got up by a certain Member of Parliament, but afterwards doubted his ability. Its style is perspicuous; its documents are authentic; and its assertions were uncontradicted: I therefore think it worthy of a place in the Statistical Account of Upper Canada. It was copied into the Niagara Spectator of May 21st and 28th; June 4th, 11th, and 18th, 1818, from whence it is now extracted.]

Resolutions, Addresses, &c. &c. &c. of the Commons House of Assembly, and the Legislative Council; and the Minutes of a By-stander, at the Bar of the House of Commons, during the last Session of Parliament.

TO THE READER.

HAVING long regretted the total darkness in which we have hitherto been left as to the public conduct of the

individual Members of the House of Assembly, as well as their debates collectively, I was induced, during this last Session of the Legislature, from motives of personal gratification, to become a very constant attendant at the bar of the Commons; and finding the business assume a far more important and interesting aspect than I had at first any idea of, I undertook to minute down such parts of its proceedings as appeared to me most worthy of review, either by myself, or the people of the Province generally. In this pursuit I have been much assisted by what was printed in the York Gazette; all of which, together with my own remarks and reflections (as an independent elector), I now submit to the community at large, to whom it would be paying but an ill compliment to suppose that such a subject would be deemed unacceptable or indifferent.

The resolutions of both branches of the Legislature that are detailed in this pamphlet, in my opinion agitate a great and momentous question; nothing short in fact of the consideration of the extent of the functions of the representative body of the people, upon which all that is dear to life and liberty depends; and upon which question they certainly differ most materially, as the Commons contend for similar constitutional rights with the same branch in the mother country, (that is, as far as relates to this Province,) whilst the latter appear to deny such rights as appertaining to them, by a mode of reasoning not less curious than questionable.—For, say they, "we are co-ordinate branches of a limited legislature, and *you are not more* justified in adopting as your type or model, the Commons House of Parliament of England, and claiming all the powers, immunities, and privileges thereof, *than we* (the Legislative Council) *would be in claiming for ourselves the like immunities of the Upper House of Parliament, which we do not do.*" Now, if it should result from a cool and dispassionate inquiry, and positive evidence, that it actually was in-

tended by the King and Parliament of Great Britain to give to this Province the very image and transcript of the British Constitution, I say in that case, the Legislative Council either do not understand their powers, or, for purposes best known to themselves, see fit to argue in this manner; *that they do not choose to exercise all the powers of the Upper House of Parliament, being unsuitable to the circumstances of the colony—ERGO*—as we are co-ordinate branches, *and we do not exert all our powers*, you, the Commons, must be guided by our dictum, and must not do so either, having no more right to act than we have! The Committee of the Commons, I think very properly, report upon this assertion, "*that they cannot yield to the impression, that their House will ever be induced, by weak example, to compromise its undoubted and invaluable rights.*"

It seems, however, that although, where it suits their convenience, the Legislative Council disclaim the exercise of equal powers with the Upper House of Parliament of England, yet they sometimes exceed them in extent and consequence, as touching the relative rights of the Commons of Canada, and which do not appear to give them any qualms of conscience, as will be perceived by one of their resolutions, which asserts; "*that they do not consider the necessary amendments to a Money Bill as a breach of the privileges of the Commons House of Assembly.*" And in another resolution, "*that the origin of supplies in either House, or exclusively in the House of Assembly, must be indifferent, so long as either House retains the power of rejection.*"

I would ask these gentlemen where they will find precedents to bear them out in this extraordinary doctrine; and which they have repeatedly acted upon? It will not be in the British Parliament, where the King, upon all occasions, when requiring supplies, addresses his faithful Commons only,—And has it not always been so here too? Was it

not so this last session? Did not the Administrator send a message to the Commons for a supply on estimate? Why was it not addressed to both branches, if in this particular they have co-ordinate rights? The reason is evident. It never was, nor can it, according to the true spirit of our constitution, ever be so. I do not hesitate to say, that was such a thing proposed or insisted upon in the British Parliament, it would create a ferment in the kingdom little short of revolution; and I believe it will be difficult for the Solons and Lycurguses of the Legislative Council to find in this colony an House of Assembly so venal that it would barter away the people's essential and exclusive privileges: the very nature of things points out the propriety of the usages of Parliament heretofore. The supplies are supposed to arise from monies raised from the people, and positively are so, directly or indirectly; the disposal of them should therefore originate with them, through their representatives. It is the very life and strength—it is the very vivifying principle of the democratic part of our constitution: it is the latent spring that sustains the proper equilibrium in our inimitable political machine; for were it otherwise, I would fain inquire whether that branch of the Legislature, whose members are nominated by the Crown, and the greater proportion of them either pensioners or filling high and lucrative offices, would be likely to refuse what the King's representative might be advised to ask for? What think you of that part of the speech from the throne this last session, recommending to the consideration of both Houses how far it might be expedient to assist the emigrants, by providing the means to defray the expense of the location and grants of land bestowed upon them by his Royal Highness the Prince Regent, in his Majesty's name? Here is a recommendation to provide for strangers, whilst our gallant militia, and flank companies, remain unnoticed;—and will any one tell me that the Legislative Council would have rejected the proposition? Who

is it that advises in forming the speeches? The Executive Council, no doubt! And who are the members of that Council? Why, members of the Legislative Council, and their honourable and reverend Chaplain! I say, their ready compliance is the path to favours, preferments, and even honourable titles, and therefore supplies arising from the people should not be interfered with, or emanate from them. I would ask, which branch of the Legislature examines the public accounts? Do the Legislative Council make co-ordinate inquiries respecting them? Let those who would advocate the dangerous doctrine, refer to the writings of the celebrated Montesquieu, where they may learn the true principles of our government, most happily defined, and I shall here add a quotation from one of the law dictionaries, being a digest from the best authorities of the kingdom therein compressed.

"As the House of Lords seem to be politically constituted *for the support of the rights of the Crown*—so the province of the House of Commons is to stand for the preservation of the people's liberties. The Commons, in making and repealing laws, have equal powers with the Lords."

"It is the ancient indisputable privilege and right of the House of Commons, that all grants of subsidies or parliamentary aids do begin in their House, and are first bestowed by them, although their grants are not effectual to all intents and purposes, until they have the assent of the other two branches of the Legislature: but so reasonably jealous are the Commons of this valuable privilege, that therein they will not suffer the other House to exert any power except that of rejecting. They will not permit the least alteration or amendment to be made by the Lords to the mode of taxing the people by a money bill, under which appellation are included all bills by which money is directed to be raised upon the subject for any purpose, or in any

shape whatsoever, either for the exigencies of the Government, and collected from the kingdom in general, or for private benefit and collected in particular districts, as by turnpikes, parish-rates, and the like. This rule is even extended to all bills for canals, paving, provision for the poor, and to every bill in which tolls, rates, or duties are ordered to be collected; and also to all bills in which pecuniary penalties and fines are imposed for offences."—Tomlin's Law Dict. vol. 2d.

It is to be hoped that every candid reader will own the full conviction arising from the foregoing elucidation, and we will next proceed to an inquiry of the wish and will of those who gave us our political constitution, which ascertains the true and intrinsic spirit of all laws.

First, then, in the House of Lords, Lord Grenville observed, "that the population of Upper Canada had not only been formerly acquainted with British privileges, but had retired there for the purpose of enjoying them." He further says, "Our constitution, compounded of monarchy, aristocracy, and democracy, is the first in the world, and the envy of every surrounding nation: and it is for this reason that we are now about to communicate the blessings of the English constitution to the subjects of Canada, because we are fully convinced it is the best in the world. The legislature of Canada consists of three parts: the Governor represents the King—the Legislative Council represents that body in which I have now the honour of addressing you." I would ask the reader if any thing can be more clear and decisive as to the similarity of functions, between the House of Lords and the Legislative Council? Lord Grenville then proceeds, "It is objected, among other things, to the Legislative Council, that it would consist of two different classes of persons, some to sit for life, and others by inheritance; but there is precisely the same objection to the august assembly I have now the honour of addressing: some of this house derive their titles by in-

heritance, while others sit only for life, and a third class only during one parliament." He next states that "the Government of Great Britain had been anxious to communicate to Canada a participation of all the blessings of the English constitution, as far as the circumstances of the case would admit: their great object had been to adhere, as near as possible, to the purity and principles of the English constitution in every part of the bill." And I would inquire if Machiavel himself has the hardihood to deny, *that the circumstances of Canada admit of their following that part of the British constitution, in its purity and principles, which their Commons enjoy,* of originating exclusively all bills of supply, and not permitting any amendments to be made to them by the House of Lords? —he cannot: it is impossible. Like the Commons of England our House of Assembly are asked for supplies for the support of the Government: and like them also they have hitherto, and I hope they ever will, sustain the proud privilege of the people, to keep in their hands the exclusive right to hold the purse-strings fast, and not permit co-ordinate interposition on the part of the Legislative Council.—So much for the House of Lords.

Now let us see what the House of Commons said on the same subject.

Mr. Powis first observed, "that as to the hereditary nobility in Canada, as we were now to make a constitution, not for the present moment, but for posterity, he thought it was desirable that there should be something similar to our House of Peers, and therefore he would vote with the Right Honourable Gentleman who brought in the Bill."

"Colonel Simcoe spoke next, and having pronounced a panegyric on the British constitution, wished it to be adopted in the present instance, as far as circumstances would admit."

"Mr. Fox observed, that the great object in the insti-

tution of all popular assemblies was, that the people should be fully and freely represented, and that the representative body should have all the virtues and the vices incident to such assemblies (what can the Legislative Council say to this?): he wished the people of Canada to adopt the English laws from choice: it was a country capable of enjoying political freedom in its utmost extent, equal to any other country on the face of the globe: it must be preserved in its adherence to Great Britain by the choice of its inhabitants: it must be felt by them that their situation was not worse than that of their neighbours: he wished them to be in such a situation as to have nothing to envy in any part of the king's dominions."

Mr. Pitt "had no difficulty in declaring that the English constitution which we had chosen was in its principles best for us. An aristocratical being one part of our mixed government, he thought it proper that there should be such a council in Canada as was provided for by the bill, and which might answer to that part of the British constitution which composed the other House of Parliament. He agreed with Mr. Fox in thinking it extremely desirable that the inhabitants should be united and led universally to prefer the English constitution and the English laws."

"Mr. Burke eulogized the American constitution, but did not say, give this constitution to Canada; because if the American imitation of it was good, why not give them the thing itself that was imitated."

Thus, although it is apparent that the thing itself was what we were intended to have by the 31st of the King, yet the Legislative Council must needs search for a polypus in the moon, and drive their militant discoveries to operate in deteriorating the powers of the main stay of the constitution, viz. the democratic part of it, by their illuminating resolution, explanatory of our constitutional Decalogue and Talmud, adverting to the feeble functions of our limited legislature, "constituted by statute with powers

extending to advice and consent to his Majesty to make laws not repugnant to that act." I think they would insinuate something merely passive, when they say *advice and consent*, whereas the preambles to acts passed in this province, in that respect are similar to those of the British Parliament, which are always worded in the same terms: "Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this Parliament assembled." Pity it were they had not in their resolution condescended to enlighten the Commons more largely, by pointing out wherein it was limited, for it was easy done, as it is only limited in respect to the making national external regulations of trade and commerce, and as far as regards the crown and clergy lands, and the clergy themselves, and their endowments; and even here they are only so far limited, as that whatever bills they pass in Canada upon these subjects, the governor must be applied to, to cause the same to be laid before the parliament of England for confirmation. In all other matters, their functions are as free, unlimited, and undefined, as the parliament of a free people should be. The reader can refer herein to his Excellency John Graves Simcoe's speeches at the commencement of the first provincial parliament. This gentleman accepted the gubernatorial situation here (to use a vulgar expression), hot from the British House of Commons. He knew, and he expounded to the Legislature, the invaluable gift of our constitution; and his expression and feelings would be lessened by the use of any other than his own language. In all the different branches of the Legislature, the like ensigns have been uniformly adopted as those of the Parliament of England, both as to forms of proceeding, officers, oaths, prorogations, &c. deciding by precedents of parliamentary usage of Great Britain in every doubtful case; and in particular, the Speaker of the Commons House of Assembly, always demanding at the

foot of the throne, at the opening of each session, in the name of the representative body of the people, "*the freedom of speech, and generally the like privileges and liberties as are enjoyed by the Commons of Great Britain, our mother country.*"

Ill far'd it then with Roderic Dhu
That on the field his targe he threw,
Whose brazen studs and tough bull hide
Had death so often dashed aside;
For trained abroad his arms to wield,
Fitz-James's blade was sword and shield.

The Commons, courteous reader, have been underrated. Like Roderic Dhu, the Legislative Council thought themselves an overmatch for the poor Saxons; so they threw off their guards, and exposed their vulnerables! as will be proved by cool, dispassionate examination.

When this co-ordinate branch in their resolutions say, "They will forbear all amendments to bills for raising and levying money," they warily left out *their forbearance to the right of appropriating monies,* to which, if you look at the first resolution of the Commons, you will find they carefully adverted, because this right is of the utmost consequence; and in a subsequent conference upon a renewal of intercourse, the Legislative Council, alluding to this particular, again say, "That on the point of originating and amending money bills, every concession has been made but that of declaring an opinion which they do not entertain," and that I conceive may be understood to mean, "*that they do not still consider the necessary amendments to a money bill as a breach of the privileges of the Commons House of Assembly.*"

It is astonishing with what facility and address men of true diplomatic talents can shift and turn, nay even bury themselves in ambiguity; and really I tremble for the House of Commons from the effects of such able assailants. They, however, like Æneas in his reply to the

Cumæan prophetess, convinced the Lords temporal, "That no scenes of ill to them or new or unexpected rose."

As in the early part of the vernal season, a black tempestuous cloud, pregnant with wind and hail, menaces the harmless husbandman, the second string of resolutions from the Legislative Council, full of electric fire, thundered at the very foundation of the constitutional rights of the Commons, and not content to confine themselves to the *first dispute* of amending money bills, which might have been very well got rid of, and the course of harmony restored, they were for blowing up fixed principles by the roots, and denying the existence of known inherent rights in the Commons; but the days of ignorance and prejudice, like the winter chilling season, is past in Canada, and the momentary northern blasts yield to the rays of the ripening sun of genius, that have at length burst forth, tracking out a course of enlightened reason. The strong ground therefore that was assumed in the second resolutions, *and the having of them printed,* was found not so good a measure and manœuvre as at first contemplated. They accordingly quit the open field, and take to the bush. Although there certainly was some artful interlarded language in the resolutions; *plausible to a degree of perfection;* such, for instance, is the part of the last resolution but two, of the 24th of March, where they say that their amendment made to the bill for regulating the trade between this province and the United States, was to conform to a national regulation imparted to both Houses by his Majesty's government, (by the by, dated in 1812,) *to reduce the burdens of the people!* How truly considerate! And you will all say, how could such a measure be rejected by the Commons? Don't be too rash, gentle reader, in your conclusions: let us see what this amendment was: it was to give to the Americans the privilege of bringing into Canada, wheat, flour, corn, oats, pease, beans, and other provisions, *free of duty,* and thereby, you see, *to reduce the burdens of the*

people, who are pretty much all farmers, by allowing foreigners to bring these articles into Canada, to lower the price of produce in our markets, and take all the hard money out of the country: *this is reducing the burdens of the people with a vengeance!* No; but I am sure you will say the language was fascinating, if the fact does not turn out so!!

I observed that they "*take to the bush,*" and this was by a message sent down by their House, on the 27th of March, (being the day after the Committee of the Commons reported their second resolutions,) wherein they confine the cause of their interruption of intercourse to the amended bill as being "*the unfortunate subject of discussion;*" and propose that it should be sent back to them, as if no amendments had been made. It seems *they choose to forget* the bearding they gave the Commons, *in defining their powers.* The Commons could pass by that as nothing, forsooth! They could return to their constituents with such resolutions recorded on their journals, *unretracted,* could they? Then indeed they would have deserved well of the people! But this plan would not take. The answer of the Commons was spirited. They required them to retract what they had advanced on this *score,* and *thereby remove the grounds that had interrupted harmony.*

The answer of the Commons was no sooner received on the Friday than, as I understand, another resolution was adopted to the following purpose:

"*Resolved,* That the Speaker be desired to inform his Honor the Administrator, that the Commons House of Assembly have declined any further intercourse on the public business with the Legislative Council this Session.

Legislative Council Chamber,
March 27th, 1818.

And immediately carried into effect by the Speaker of the Legislative Council.

When the Lower House first learned this fact, on that day, *they were positively in the act of passing a bill of supply* on the estimate sent down from the administration, accompanied by a message requiring pecuniary aid in support of the civil government. Still looking for reconciliation, and that the Legislative Council would retrace its steps; but hearing of their adjournment until Monday (and an out-door whisper that the legislature was to be prorogued on that day, which however did not take place till the Wednesday), and reflecting on the circumstance of that House having ordered their own resolutions, and those of the Commons, to be printed; they, as I think, very reasonably concluded that they were to be allowed no more communication with the other *co-ordinate branch;* and anxious that the wheels of government should not stand still, determined to follow the usage of the Commons of England, and accordingly voted the liberal sum of £8000 for the purposes of the Administrator's message, by an address, promising to make good the same by bill the ensuing session; and which, to my astonishment, was answered by the following document:

GENTLEMEN,

The request contained in your address to appropriate the sum of eight thousand pounds towards defraying the expenses of the administration of justice, and the civil government, without the concurrence of the whole legislature, is without precedent: and I cannot take upon myself to make the advance until I shall have received the signification of his Majesty's pleasure.

This gave rise to the following explanatory Address from the Commons:

To his Honour Samuel Smith, Esq. Administrator of the Government of the Province of Upper Canada, &c. &c.

We, his Majesty's dutiful and loyal subjects, the Com-

mons House of Assembly in provincial parliament assembled, humbly beg leave to represent to your Honour, that we deeply regret the inconvenience that may result from the want of providing for the civil expenditure of the current year: that we deem it a justice we owe to ourselves to assure your Honour, that our voting the money by address, did not in this instance proceed from an obstinate adherence to our privileges, but that we were so far actuated by a contrary feeling, that, notwithstanding the suspension of intercourse charged upon us by the Legislative Council, we had prepared a bill, and were actually in committee upon it, when we received intimation of the adjournment of the Legislative Council until Monday morning. That, conceiving this adjournment evinced a disposition, on the part of the Legislative Council, to consider the business of the session at an end, and that a prorogation may hastily follow without this House having an opportunity of sending the bill then under consideration for their concurrence, we did, from our anxiety to prevent the public inconvenience that must follow, resort to the only means left, namely, voting the money by address. Nevertheless, this House cannot forbear remarking, that when induced by these considerations to adopt this mode of proceeding, they never anticipated that the Executive Government having applied to the Commons House of Assembly for the means of defraying the civil expenses of the province, and received their assurance of compliance, would have declined advancing it upon their pledge; neither could they have been led to expect it from the established usage, in similar cases, of this and other colonial legislatures, as well as the mother country.

And as your Honour has been pleased to intimate an intention of referring to his Majesty's Government, before the supply, thus offered by the Commons House of Assembly, could be accepted, we beg leave to request of your Honour that such reference may be accompanied with this expla-

nation, which will shew his Majesty's Government that no inconvenience that may result from the necessity of that reference can be imputed to his Majesty's faithful Commons.

HOUSE OF ASSEMBLY, *March* 30.

On this day the House resolved upon an Address to His Royal Highness the Prince Regent, upon the subject of their privileges.

To His Royal Highness George Prince of Wales, Regent of the United Kingdoms of Great Britain and Ireland.

MAY IT PLEASE YOUR ROYAL HIGHNESS,

WE, his Majesty's dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Parliament assembled, humbly beg leave to address your Royal Highness with feelings of the most unfeigned duty and respect; and to express, in the name of the people of this province, their grateful sense of the blessings entailed upon them and their posterity by your Royal House, in giving to them, in the plenitude of its powers and privileges, the very image and transcript of the glorious constitution of Great Britain, which has withstood the shock of empires, the test of ages, and stands towering, elevated to the highest pitch of glory under the auspices of your illustrious race.

Had not the people of this colony the best of all proofs to offer to your Royal Highness, of the sincerity of their professions of personal attachment; had not the blood of their youths flowed freely on the very ground given to their loyal and patriotic fathers; had they not, at the hazard of life and property, made good, beyond dispute, the solemn pledge of faith and loyalty to the parent country, they might have shrunk back from assertions doubtful, because

untried. The objection, however, does not exist; and they claim the high consideration, privileges, and immunities of British subjects.

Having thus humbly laid open to your Royal Highness the undisguised effusion of our hearts; we beseech your Royal Highness's attention to the declaration of his Excellency John Graves Simcoe in his speech from the throne, at the opening of the first session of the legislature of this province; at which important crisis, in language the most emphatical and enthusiastic, he promulgated the constitution given to Upper Canada by the wisdom and beneficence of the Parliament of Great Britain, and which was fully and exultingly recognised by the answer to his speech by the Legislative Council, through their enlightened speaker, the late Chief Justice Osgoode. The expression of public sentiment upon that occasion, characterized the people on whom the gracious boon was bestowed; and we, the representatives of that people, jealous of the treasure, and unwilling to yield up the slightest particle of the sacred trust, or to disgrace, by pusillanimity, the public spirit of the country, humbly submit to your Royal Highness an abstract of the proceedings of the present session of the Legislature of this province, wherein your Royal Highness's faithful Commons conceive their constitutional rights and privileges have been vitally assailed by the resolutions of the Hon. Legislative Council, delivered to the Speaker of the Commons House of Assembly, and evidently intended to limit and depreciate in public estimation its functions by the avowal of their consideration of its powers, as resolved by them, and to be printed, with a view no doubt of being blazoned to the world.

The consequent interruption of harmonious intercourse indicated by the Legislative Council, could not otherwise but tend to put an end to public business, and to prevent the Commons House of Assembly from providing by bill, a supply to meet the excess of the civil expenditure of the

administration of the government of this province as required of them, by a message, during the present session, communicated by his Majesty's Representatives, nor could any other means be adopted on the part of the Commons, to meet the exigence, without recourse to a practice, not unfrequent in their parliamentary usage, of voting the amount by address. The answer received by his Majesty's faithful Commons, in reply from the Administrator of the government, as recorded in their Journals, they do not hesitate to consider ill-advised, as the service for which the vote was provided was that of the actual subject of the message from the Crown, to which no possible doubt of the approbation of the Legislature could have been contemplated. It however strongly marks, in a national and constitutional point of view, the evil that must ever result, from the legislative and executive functions being materially vested in the same persons, as is unfortunately the case in this province, where his Majesty's Executive Council is almost wholly composed of the Legislative body, and consisting only of the Deputy Superintendant General of the Indian Department, the Receiver General, and the Inspector General, the Chief Justice, the Speaker of the Legislative Council, and the Honourable and Reverend Chaplain of that House*.

His Majesty's faithful Commons of Upper Canada, having thus performed the imperious duty which their peculiar circumstances called for, have only further to implore of your Royal Highness to give their representation the mature reflection that is due to its importance, as his Majesty's faithful Commons are sanguine in the hope that the voice of your Royal Highness will approbate their resolutions, and firm determination to preserve inviolate their

* See the Civil List at the end of this Appendix.

civil and constitutional rights in their fullest amplification.

COMMONS HOUSE OF ASSEMBLY,

March 30, 1818.

This Address was followed up by another to the Administrator, requesting him to forward the same.

To his Honour Samuel Smith, Esq. Administrator of the Government of Upper Canada.

MAY IT PLEASE YOUR HONOUR,

We, his Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, having resolved that an humble Address be presented to his Royal Highness the Prince Regent, humbly beg leave to pray that your Honour will be pleased to transmit the same to his Royal Highness.

March 30th, 1818.

To which the Administrator was pleased to make the following reply:

GENTLEMEN,

I cannot undertake to transmit to hi Royal Highness the Prince Regent any Address to the p iport of which I am not informed in the usual manner, by a copy of the original.

Government House,
March 31st, 1818.

After which no further business was transacted by the Commons, except to instruct their Speaker to forward a duplicate of all their papers to their provincial agent in England.

The Address to the Prince Regent, and the Report of

the Committee on the State of the Province, and the Address to the Administrator for certain papers, and his answer thereto, will place things in a very full point of view, as to the temper and independent feeling of the Commons this last sittings: further, I will do them the justice to say, that I never saw an Assembly more indefatigable or unanimous in endeavouring to get on with the public business until the unhappy fracas took place; and I really anticipated a more favourable notice of their intermissions in behalf of the province, than can be drawn from the address from the throne at the prorogation (see vol. ii. page 545); but why should we wonder? For, as the fickle goddess turns round the wheel, sometimes a statesman or a warrior is at the head of affairs; and at another, a fool, a glutton, or a fly-catcher; for Rome had her Trajans and her Domitians; and in this province too we have not been wanting of a variety.

From the very commencement of intercourse between the two branches, I was surprised to discover so great a propensity for amending money bills, most of which came down from the Upper House in some way or other changed: nor was I unattentive to the apparent feelings of the Speaker and other Members of the Commons upon the occasion, indicative of great disappointment. A conciliatory spirit, however, seemed to pervade their minds, and to my astonishment, in many cases, the amendments were read, preceded by a resolution or salvo, which went to say, that as the amendments did not relate to the money clauses of the bills, they would not insist upon their uniform custom of rejecting the amendments as being made to money bills. This appeared to me like hiding from themselves what they did not wish to look at in a full point of view; viz. an invasion of their privileges; but what convinced me the most of their lamb-like temper, was the patience with which they adopted an amendment of the Eligibility Bill. The Members' Wages Bill came

down amended, when surely it would have been but decency to have kept it back if they did not approve its clauses. The Forfeiture Bill came down altered in a money part, and with large amendments, *one of which improved it with a witness,* by encouraging informers to come forward and make known what they know of individuals and their property, who were suspected, or had gone off to the enemy during the war; and those informers were to have a third of the proceeds accruing from such information!!!

The Act to repeal part of, and to amend the laws now in force, for establishing district schools in this province, and also an Act to appropriate a sum of money to increase the library of the Legislative Council and House of Assembly, and for other purposes therein mentioned, were referred for his Majesty's pleasure; and from what I can learn, the royal assent to them was withheld, agreeable to the spirit of Lieut.-Governor Gore's message, *that no appropriations of money should take place until the supply required in support of the civil government is granted;* and yet, it is passing strange that, "An Act to remunerate certain commissioners therein mentioned," *notwithstanding Governor Gore's message,* did, luckily, obtain the royal assent! Does this require any comment? Does it not distinctly shew, "the very age and body of the time, its form and pressure?" It was fortunate that two of the commissioners were Members of the Legislative Council!!!

If it is really the case that the avowed ostensible reason for withholding the royal assent to the above two Bills, is that here assigned, it is time indeed that the state of the province should be inquired into, for I could collect from the expression of the Members of the Lower House, that almost one-half more money was estimated for, during Governor Gore's time, than was actually expended, or wanted for the service of the year; and yet this present Session, the former estimate was increased near £3000,

and a large proportion of the former expenditure was disapproved of by the Committee of the House of Commons, though it had all been sanctioned by the audit of the Chief Justice. Can it be possible that our executive advisers say, *that no Bills, voting monies for the use of the province, shall pass, until these estimates are complied with;* and yet his Majesty's representatives sanction Bills imposing burdens on the people?

When attending to debates in the Commons on the contingent accounts of the several offices, which were estimated for in the sum of 10,281*l.* granted last year, I could not help noticing several curious items enumerated and commented upon.

(A COPY.)

The Government to W. Jarvis, Esq.

June 14, 1817. To 65 blank deeds, which were rendered useless in consequence of an Order in Council, requiring a clause of forfeiture in case of the sale of land within three years from the date of the patent, 7*l.* 5*s.*

Account sworn to by S. P. Jarvis, administrator, before Wm. Campbell, Justice.

Audited in Council, December 4, 1817.

By W. Dummer Powell, C. J.

Examined, J. Scarlet, Acting Inspector General.

Here is a sum charged to the province, estimated by Governor Gore, and sustained by the people, being at the same time, in my opinion, incurred in consequence of misconstruction of the Act of 31st Geo. 3d, which enacts, "that all lands thereafter to be granted in Upper Canada, shall be granted in free and common soccage, in the same manner as lands are now holden in free and common soccage in England."

Another very singular item, also approved of, and audited by the Chief Justice.

To Edward M'Mahon's Account, (Governor's Office.)

To money paid William Allan (collector of customs), to reimburse him so much advanced for relief of a number of emigrant families from the United Kingdoms, arrived at York in distress!! 28*l.*

This sum is charged to the province as part of the estimate of supplies voted in 1816, by the Commons, to defray the expenses of the administration of the government. If monies for such accidental purposes are to be voted by the Commons, before they shall be allowed to appropriate any other sums for the uses of the province, things must surely be in a bad way.

Many Bills, after passing the Commons, never again made their appearance, whilst others, from being amended in money clauses, were of course lost. Of the former I deeply regretted the loss of the Marriage Bill, which went to confirm all marriages, *heretofore solemnized*, (where canonical disabilities did not interfere) by commanding officers of posts, magistrates, ministers, pastors, and teachers of every religious sect or denomination, and to lay a summary penalty for any future offence. This bill certainly could not hurt any one, but was calculated to do an infinity of good. Of the latter description, or money bills, I was sorry to perceive the loss of the Tavern Licence Bill, regulating the rates of licences according to the situation of the stand, which is, I think, an equitable and fair way.

I now annex a list of Bills that passed the Lower House.

The following Bills received the royal assent:

1. An Act to enable Robert Cartwright, of Kingston, to surrender certain lands in the town of Kingston, to his Majesty, his heirs, and successors. February 13, 1818.—*Returned amended, and amendments adopted, March* 17.

2. An Act, to repeal part of an Act, passed in the 50th Geo. 3d, entitled, "An Act to alter the time of holding the courts of general quarter sessions of the peace, in the London and Johnstown districts." February 14, 1818. —*Returned without amendment, February* 19.

3. An Act, to continue an Act passed in the 55th Geo. 3d, entitled, "An Act to supply, in certain cases, the want of county courts in this province, and to make further provision for proceeding to outlawry in certain cases therein mentioned." February 19, 1818.—*Returned amended, and amendments adopted.*

4. An Act to impose a duty upon persons selling wine, brandy, and other spirituous liquors by wholesale. Feb. 26, 1818.—*Returned amended, and amendments adopted.*

5. An Act, granting to his Majesty a duty on licences to auctioneers, and on goods, wares, and merchandise, sold by auction. February 26, 1818.—*Reported amended, and amendments adopted.*

6. An Act, to make good certain monies issued and advanced by his Honour the Administrator, pursuant to an Address of the Commons House of Assembly. Feb. 28, 1818.—*Sent down without amendment.*

7. An Act, to repeal an Act passed in the 35th Geo. 3d, entitled, "An Act to ascertain the eligibility of persons to be returned to the House of Assembly:" also, to repeal an Act passed in the 54th Geo. 3d, entitled, "An Act to repeal part of an Act passed in the 53d Geo. 3d, entitled, 'an Act to ascertain the eligibility of persons to be returned to the House of Assembly;' and to make further and more effectual provision for securing the freedom and constitution of the parliament of this province." March 2d, 1818.—*Returned amended, and amendments adopted.*

8. An Act, to repeal an Act passed in the 56th Geo. 3d, entitled, "An Act granting to his Majesty a sum of money to be applied for the encouragement of the cultiva-

tion of hemp within this province." March 5th, 1818.—*Returned without amendment.*

9. An Act to provide for the registry of deeds, conveyances, wills, and other encumbrances which may affect any lands, tenements, and hereditaments, the same being executed in the United Kingdom of Great Britain and Ireland, or in any of his Majesty's colonies, and to enable married women residing there to convey their real estates which may be in this province; and to repeal part of, and amend an Act passed in the 53d Geo. 3d, entitled, "An Act for the public registering of deeds, conveyances, wills, and other encumbrances which shall be made, or may affect any lands, tenements, or hereditaments, within this province;" and also to repeal part of and amend an Act passed in the 43d Geo. 3d, entitled, "An Act to enable married women, having real estate, to alien and convey the same." March 2d, 1818.—*Returned amended, March* 14; *amendments adopted, March* 16.

10. An Act to remunerate certain commissioners therein mentioned. March 5th, 1818.—*Returned without amendment.*

11. An Act to continue, repeal part of, and extend the provisions of an Act passed in the 56th Geo. 3d, entitled, "An Act for granting to his Majesty duties on licences to Hawkers, Pedlars, and petty Chapmen, and other trading persons therein mentioned, and to extend the provisions of the same." March 9, 1818.—*Returned without amendment.*

12. An Act to regulate the costs in certain cases in the court of King's Bench. March 12, 1818.—*Returned without amendment, March* 14.

13. An Act to ratify and confirm articles of provisional agreement entered into at Montreal on the 31st of May, 1817, between the Commissioners appointed by this province to treat with the Commissioners of the province of Lower Canada on the provisional agreement relative to duties and

drawbacks on goods imported into Lower Canada: also to repeal an Act passed in the 56th Geo. 3d, entitled, "An Act to continue for a limited time the provisional agreement entered into between this province and Lower Canada." March 13, 1818.

The following Bills did not pass into laws.

1. An Act to prevent the profanation of the sabbath. February 16, 1818.—*Returned amended.*

2. An Act to repeal an Act passed in the 56th Geo. 3d, for granting to his Majesty a sum of money, and to provide for the appointment of a Provincial Agent in this province. Feb. 23, 1818.

3. An Act vesting in Commissioners the estates of certain traitors, and also the estates of persons declared aliens, by an Act passed in 54th Geo. 3d, entitled, "An Act to declare certain persons therein declared aliens, and to vest their estates in his Majesty;" and for applying the proceeds thereof towards compensating the losses which his Majesty's subjects have sustained in consequence of the late war, and for ascertaining, and satisfying the lawful debts and claims thereupon. March 2, 1818.—*Returned amended, March* 17.

4. An Act to increase the wages of the Members of the House of Assembly. March 4, 1818.—*Returned amended.*

5. An Act to repeal an Act passed in the 56th Geo. 3d, entitled, "An Act granting to his Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this province, and to grant to his Majesty a sum of money for the purposes therein mentioned." March 9, 1818.

6. An Act to alter the laws now in force for granting licences to innkeepers, and to give to the justices of the peace in the several quarter-sessions assembled for their

respective districts, authority to regulate the duties hereafter to be paid on such licences. March 9, 1818.—*Returned amended, March* 13.

7. An Act to amend the laws now in force for confirming and making valid certain marriages heretofore contracted in the province, and to make further provisions for the same. March 10, 1818.

8. An Act to repeal the laws now in force for granting pensions to persons disabled in the service, and the widows and children of persons who may have died by disease contracted while on actual service: and to make provision for such as were wounded and disabled in action with or by the enemy, and the widows and children of such only as were killed in action with or by the enemy, or such as died on actual service from wounds or disease contracted by reason of such service. March 10, 1818.—*Returned amended, March* 14.

9. An Act to constitute the town of Bath in the Midland District, and to provide for laying out and surveying town-lots and streets, and a market-place therein, and regulating the police thereof. March 10, 1818.—*Returned amended, March* 14.

10. An Act to explain and amend part of an Act passed in the 41st Geo. 3d, entitled, "An Act for granting to his Majesty, his heirs and successors, to and for the use of this province, like duties on goods and merchandise brought into this province from the United States of America, as now are paid on goods and merchandise imported from Great Britain and other places."

11. An Act to repeal the laws now in force granting poundage to the Receiver-General. March 11, 1818.

12. An Act to make further provision for regulating the trade between this province and the United States of America, by land or inland navigation. March 12, 1818.

13. An Act to extend the provisions of an Act passed in the 46th Geo. 3d, entitled, "An Act for the relief of Insolvent Debtors." March 13, 1818.

14. An Act to repeal part of, and amend the several laws now in force, for affording relief to those persons who may be entitled to claim lands in this province as heirs or devisees of the nominees of the crown in cases where no patent hath issued for such lands, and further to extend the benefit of the said laws. March 14, 1818.

Sent from the Legislative Council and passed.

15. An Act, granting to his Majesty a sum of money for amending and repairing the highways throughout this province, and to remunerate certain persons therein mentioned. March 16, 1818.

16. An Act to make good a certain sum of money issued and advanced by his Honour Samuel Smith, Esq. Administrator, in pursuance of an address during the present session. March 16, 1818.

17. An Act to repeal the several laws now in force relative to arrests in civil actions, and to make further provisions for the same. March 18, 1818.—*Returned amended, March* 23.

18. An Act to authorize the inquiry and trial of crimes and offences committed within this province, without the limits of any described township or county to be had in any district.—*Sent down March* 19.

Bills reserved for the signification of his Majesty's pleasure thereon.

1. An Act to repeal part of, and to amend the laws now in force for establishing District Schools in the several districts of this province. February 24, 1818.—*Returned amended, and amendments adopted.*

2. An Act to appropriate a sum of money to increase the

library of the Legislative Council and House of Assembly, and for other purposes therein mentioned. March 16, 1818.—*Returned without amendment, March* 17.

Thursday, March 19.

The Commons came to the following resolution:

Resolved,—That as the amendments made by the Honourable the Legislative Council to a Bill sent up from this House, entitled, "An Act to make further provision for regulating the trade between this province and the United States of America," interfere with the undoubted and exclusive right inherent in the Commons, of raising, levying, and appropriating money, this House is of opinion that the said interference *is a high breach of its privileges.*

Saturday, March 21, 1818.

Mr. Baldwin, Master in Chancery, brought down from the Honourable the Legislative Council the following resolutions:

Resolved,—That in making amendments to a Bill sent up from the Commons House of Assembly, entitled, "An Act to make further provision for regulating the trade between this province and the United States of America," this House acted upon the principle, that its concurrence was necessary to pass the same, which it could not, in the exercise of its judgment and discretion, without amendments.

Resolved,—That the Commons House of Assembly having hitherto rejected all conference on the subject of money bills, no course remains to the Legislative Council, but implicitly to submit its judgment and reason, or to reject wholly the offered bill, unless the Commons House of Assembly will continue, as it has heretofore in many cases

done, even during the present session, to reject the amendments of the Legislative Council without notice, and re-enact the matter, so as to receive the concurrence of the other branches of the Legislature.

Resolved,—That this House does not consider the necessary amendments to a money bill as a breach of the privileges of the Commons House of Assembly: nevertheless, as it is so considered by that House in the said resolution, the Legislative Council will forbear all amendments to Bills for raising and levying money, and merely withhold its assent to the same.

Legislative Council Chamber,
March 21, 1818.

A select Committee was appointed to take into consideration, and report upon the resolutions of the Honourable the Legislative Council, on Monday, March 23, 1818; made a report which was adopted by a Committee of the whole, together with certain resolutions which were adopted by the House, as follows, *nem. con.*

The Committee of the whole reported that the Committee had adopted the report of the select Committee, and come to a resolution which was submitted to the House, and the resolution and report were adopted *nem. con.* as follows:

Report of the Committee on the resolutions of the Hon. the Legislative Council, in answer to a resolution of the Commons House of Assembly, on the subject of privilege.

To the Honourable the Commons of Upper Canada, in Provincial Parliament assembled:

Your Committee, in obedience to your Honourable House, having maturely considered the resolution referred

to them, most respectfully submit to your Honourable House the following report:

That the said resolutions are not satisfactory to your Committee, and

1st. Because the said resolutions claim to that Honourable House, upon the principle that its concurrence is necessary to pass all bills, the exercise of its judgment and discretion, in making amendments to Bills imposing burthens upon the people of this province, to which the Commons House of Assembly have never, as your Committee find by numerous parliamentary precedents, assented; for, as all charges or burthens whatsoever upon the people of right begin with the Commons, so they cannot be altered or changed by the Honourable the Legislative Council.

2d. Because the Honourable the Legislative Council, shew a disposition to trench the privileges of your Honourable House, by citing as precedents the conciliatory acts of the Commons, in cases where they have rejected amendments made by that Honourable House to money bills, and re-enacted the subject matter, so as to procure the concurrence of the other branches of the legislature, wherever the same could by strained construction be admitted, for the best interests of the province.

3d. Because the Honourable the Legislative Council deny that their amendments made to the Bill sent up from your Honourable House, entitled, "An Act to make further provision for regulating the trade between this province and the United States of America," or any other money bill, are a breach of the privileges of your Honourable House, which your Committee can prove by numerous precedents to be a high breach of its privileges; it being the undoubted, sole, and exclusive right of your Honourable House to commence bills granting aids or supplies to his Majesty, and imposing any charge or burden whatsoever upon the people; and to direct, limit, and appoint, in such bills, the ends and purposes, considerations, limi-

tations, and qualifications, thereof: such grant, limitations, and dispositions or appropriations, ought not to be interfered with by amendments in the Legislative Council, but that the said Legislative Council ought to pass all, or reject all, without diminution or alteration.

JONAS JONES,

Chairman of the Committee.

Commons House of Assembly,
March 23, 1818.

Resolved,—That the Commons have never questioned the principle either of constitutional right, or necessity of the concurrence of the Legislative Council in passing bills, but do insist that the exercise of its judgment and discretion on all bills granting aids and supplies to his Majesty, or imposing burthens upon the people, is by uniform acknowledged precedent confined to assent, without making any amendments, or to the rejecting totally such bills, and that the admission of a contrary principle on the part of the Commons, would be surrendering a constitutional right, always exercised by this House, and from time immemorial by the Commons of Great Britain, which this House will never consent to.

Resolved,—That the foregoing resolution is equally applicable to meet the reasoning of the first part of the second resolution of the Legislative Council, and that in all cases where this House has rejected amendments of the Legislative Council, without notice, and re-enacted the matter, so as to receive the concurrence of the other branches of the Legislature, this House has done so from the most conciliatory disposition and regard for the interests of the province, wherever the same could by strained construction be admitted; but, in no instance where the amendments have been made to a bill, the direct object of which has been the raising, levying, or appropriating monies.

Resolved,—That it is the opinion of this House, that a collected consideration of the three resolutions of the Legislative Council, requires the following avowal:—

That this House consider it as their constitutional right to commence all money bills, either granting aids and supplies to his Majesty, or imposing any charge or burthen whatsoever upon the people; and to direct, limit, and appoint in such bills, the ends and purposes, considerations, limitations, and qualifications thereof; and that such grants, limitations, and dispositions, ought not to be interfered with by amendments in the Legislative Council, because such have never been permitted by the Commons of this province; nor is it the usage and practice of the British parliament.

Present, Messrs. M'Martin, Cameron, M'Donell, Van Koughnett, Jones, 5—Cotter, Casey, Burnham, Robinson, Nelles, 10—Clench, Secord, Swayze, Burwell, M'Cormick, 15—Hall, Durand, and Hatt, 18.

A committee was appointed to carry up the foregoing resolutions.

Thursday, March 24.

The following resolutions were sent down from the Legislative Council:—

(See these resolutions, page 571, *vol.* 2.*)*

A select committee was appointed to take into consideration, and report upon the resolutions of the Hon. the Legislative Council, and accordingly made a report, which was adopted by a Committee of the whole, together with certain resolutions, which were adopted by the House *nem. con.* as follows.

Thursday, March 26.

Report of the Committee on the resolutions of the Hon. the Legislative Council, of the 24th of March, in answer

to the resolutions of the Commons House of Assembly on the subject of privileges.

To the Hon. the Commons House of Assembly of Upper Canada, in provincial Parliament assembled.

Your Committee, in obedience to your Hon. House, having maturely considered the resolutions referred to them, most respectfully submit to your Hon. House the following report:

That the resolutions of the Legislative Council, dated 24th March, and delivered by their officer to the Commons House of Assembly, excite in your Committee emotions of the highest interest; and being in their essence pregnant with principles subversive of the exercise of the functions of the representative body of the people, your Committee would feel criminally neglectful of their duty to your Hon. House and to their country, were they not to express their indignant feelings, on this most important occasion; and, particularly as the Legislative Council, by ordering their resolutions, together with those of your House (to which they are purposely annexed as an intended refutation) to be printed, submit to the public the justice and propriety of their proceedings.

That the constitutional ground assumed by the resolutions of your House of the nineteenth and twenty-third instant, is justified by the act of the 31st year of his present Majesty, giving to each branch of the Legislature, the constitutional privileges of the mother country, and reserving only a parental right to interfere in establishing prohibitions, or imposing duties for the regulation of navigation and external commerce.

That the resolution of the Legislative Council, asserting that that House, and the House of Assembly, are co-ordinate branches of a limited legislature, constituted by the said statute of the thirty-first year of his present Majesty, inasmuch as the same declares the Parliament of this province to be a limited legislature, cannot be supported

by the words of the said Act, farther than the restrictions expressed in the provisions of the said Act, which merely go to external commerce, or to the interference with the crown lands, or clergy lands and endowments, where the prerogative of the crown is materially involved; for were this to be admitted, the extent of its powers would be defined.

That the Legislative Council did not, by its resolutions, transmitted to your House, declare that it would forbear all amendments to money bills, but only to such bills as related to the raising and levying money, and your Committee are convinced that your House would have been satisfied, had the Legislative Council declared its determination to forbear all amendment to bills, raising, levying, and appropriating monies.

That the resolutions of the Legislative Council, stating that the origin of all supplies in either House, or, exclusively in the House of Assembly, must be indifferent, so long as either House retains the power of rejection; and that the exercise of the right to amend an original bill is equally indifferent, except that without this exercise or resort to amicable conference, time would be wasted, your Committee are of opinion, is a doctrine radically novel in British legislation, as far as relates to bills of supplies; and where it does not, the Commons House of Assembly have never denied the right, or betrayed the least reluctance to acquiesce with amendments of the Legislative Council, or to accede to conferences.

That the resolutions of the Legislative Council, stating that their amendments to the bill, entitled, "An Act to make further provisions for regulating the trade between this province and the United States of America," were to conform to a national regulation of trade, imparted to both Houses by his Majesty's government, to reduce the burdens of the people, are liable, in the opinion of your Committee, to the same objection of relating to the raising of monies,

and levying duties; nor are the national regulations alluded to, which were dated in 1812, applicable to the present situation and circumstances of this country, and if complied with, would inevitably impose burthens on the people rather than reduce them, because they extend to admit into our markets, free of duty, flour and other articles of provisions, in competition with our own agriculturist, thereby deteriorating the value of his productions.

That the resolution of the Legislative Council, stating that it does not assume the power, authority, and privileges of the Upper House of Parliament, grown out of the practices of ages, and unsuitable to the circumstances of this colony, is an assertion, which, as far as it respects their own dignity, your Committee are satisfied your House knows too well its own functions to presume to interfere with; and your Committee would have been well pleased to have recognised reciprocal sentiments of deference for the rights of your House in the course of proceeding on the part of the Legislative Council, and which reference to the practice of ages would confirm: it would not then have assailed its particular exclusive privilege as to all money bills, so fully insisted upon in the resolutions of your House of the twenty-third.

That the resolution of the Legislative Council, stating that the House of Assembly, in adopting as its type the Commons House of Parliament, and claiming all the powers, immunities, and privileges thereof, is not justified by the words or spirit of its constitution, more than the Legislative Council would be justified to assume to itself and its members, the powers, immunities, and privileges of the Upper House, may be safely admitted; and appreciating, as your Committee do, the gift to this colony of the glorious unmutilated boon of the British constitution, in all its plenitude of power and privileges, avowed by the Lords and Commons in Parliament, and confirmed by the speech from the throne of his Excellency John Graves Simcoe, at

the opening of the first parliament in this province, your Committee cannot yield to the impression that your House will ever be induced, by weak example, to compromise its undoubted and invaluable rights.

Your Committee have only further respectfully to submit to your Honourable House the gracious speeches of his Majesty's Representative, John Graves Simcoe, Esq. at the opening and prorogation of the first Parliament of this province, and the propriety of having them entered on the Journals of your House, that part of your Journals having been destroyed by the enemy.

(Signed) JAMES DURAND,
Chairman.

Resolved, nem. con. That this House, in persisting in their right to reject all amendments made by the Honourable the Legislative Council, to bills for raising and appropriating monies, and to decline all conferences thereon, are assuming to themselves no new privilege, but are only adhering to the form of proceeding which has been maintained from the first establishment of the Provincial Legislature, and in which they have taken for their guide the representative form of the constitution of the mother country, by which that of this province is modelled, and by which the Legislative Council have, in all their proceedings, equally governed themselves, whatever it may suit their present purpose to disclaim.

Resolved, nem. con. That as this House desire to make no innovation, so they are determined to suffer none, but will persist in maintaining, in all their deliberations, those rules they have found established, and which being coeval with their constitution, they consider it would be as inconsistent with their duty, as it is repugnant to their inclinations to abandon.

It was then ordered, that the speeches of his Excellency John Graves Simcoe, Esq. at the opening and prorogation of the first parliament of this province, together with the answers thereto, be inserted in the Journals of the House. *(See Simcoe's Speeches, page* 110, *vol.* 2.)

The following resolution was on the 29th March received by the Commons from the Honourable the Legislative Council.

The Legislative Council being of opinion that resolutions reciprocally passed in either House cannot produce the desirable effect of restoring the due intercourse between the two branches of the Legislature, so long unhappily interrupted, and that the public business for which we are assembled, cannot be brought to issue without an amicable conference between the two Houses.

Resolved, That if assured that the House of Assembly will accede to a conference on the subject of a renewal of intercourse, for the purpose of expediting public business, the Legislative Council will by message request such conference.

Legislative Council Chamber,
March 26, 1818.

The House having resolved themselves into a Committee of the whole, on the message from the Honourable Legislative Council,

Resolved, That the Commons House of Assembly being ever desirous of harmonious intercourse between the two branches of the Legislature, will appoint a Committee to meet a Committee on the part of the Legislative Council, to hear what they have to propose on the subject.

Which resolution was communicated to the Honourable the Legislative Council, and the following message received from that House.

Mr. Speaker,

The Hon. the Legislative Council request a conference with the Commons House of Assembly, on the subject of a renewal of intercourse between the two Houses, for the purpose of expediting the public business.

The Legislative Council have appointed a Committee of two Members, who will be ready to meet a Committee of the House of Assembly for that purpose in the Legislative Council Chamber at two o'clock this day.

(Signed) W. D. POWELL,
Speaker.

Legislative Council Chamber,
March 27, 1818.

A Committee was accordingly appointed by the Commons House of Assembly to hear what the Committee on the part of the Honourable the Legislative Council had to offer upon the subject of restoring the declared interruption of intercourse between the two branches, to whom the Legislative Council communicated the following:

The object of the required conference being to revive the intercourse between the two Houses, for the purpose of expediting the public business, the Committee represent to the Committee of the House of Assembly, that on the point of originating and amending money bills, every concession has been made, but that of declaring an opinion which the Legislative Council does not entertain.

That the source of the division between the two Houses may be traced to the rejection of conference on money bills, which was never denied by the House of Commons, in the most violent differences maintained with the Upper House of Parliament.

The Committee therefore propose to the Committee of the House of Assembly, that the amended bill, which is the unfortunate subject of discussion, by submitting to a conference thereon, as if no amendments had been made,

and the bill still remaining in possession of the Legislative Council, subject to its consideration.

And the Committee of the Commons having reported the same to their House, it was resolved,

That the Committee of Conference be instructed to acquaint the Committee of the Honourable the Legislative Council, that as the propositions of the said Committee of the Honourable the Legislative Council do not in any manner go to retract the spirit of the resolutions sent down to this House on the 24th March; the House of Assembly see no further matter whereon to confer, and that as the declared interruption of intercourse originated with the Honourable the Legislative Council, so it remains with that House to remove the grounds, or take to themselves the consequence, of any delay in the public business.

CIVIL LIST

OF

UPPER CANADA.

1818.

THE HONOURABLE SAMUEL SMITH, ESQUIRE,

President,

ADMINISTERING THE GOVERNMENT OF UPPER CANADA. 1*.

Private Secretary, DUNCAN CAMERON, Esquire. 1.

LIEUT.-GOVERNOR'S OFFICE.

Chief Clerk, Edward Mac Mahon, Esq. 1.
Second ditto, Benjamin Geale, Esq.
Junior ditto, ———
Office Keeper and Messenger, Isaac Pilkington. 1.

MEMBERS OF THE LEGISLATIVE COUNCIL.

The Hon. W. D. POWELL, *Chief Justice, Speaker.* 1.
Right Rev. JACOB, *Lord Bishop of Quebec.* 1.

The Hon. Thomas Scott.	The Hon. Thomas Clark.
James Bāby. 1.	William Dickson.
John M'Gill. 1.	Thomas Fraser.
Thomas Talbot.	Neil M'Lean. 1.
Wm. Claus. 1.	

* Those numbered hold a plurality of offices; I do not suppose that there are half a dozen individuals on the list not dependent on the person administering the government: placemen, magistrates, or militia officers.

Clerk, John Powell, Esq. 1.
Chaplain, The Hon. and Rev. Dr. John Strachan. 1.
Master in Chancery, attending the Legislative Council, William Warren Baldwin, Esq. 1.
Gentleman Usher of the Black Rod, Mr. William Lee.
Door-keeper, Hugh Carfrae. 1.

HOUSE OF ASSEMBLY.

SEVENTH PROVINCIAL PARLIAMENT.

Alexander M'Martin, Esq. John Cameron, Esq.	*Glengary.*
John M'Donell, Esq.	*Prescott.*
Philip Van Koughnett, Esq.	*Stormont and Russell.*
John Crysler, Esq.	*Dundas.* 1.
Jonas Jones, Esq.	*Grenville.*
Peter Howard, Esq.	*Leeds.*
AllanM'Lean,Esq.(speaker)	*Frontenac.* 1.
James Cotter, Esq.	*Prince Edward.*
Willet Casey, Esq. Isaac Fraser, Esq.	*Lenox and Addington.*
James M'Nabb, Esq.	*Hastings.*
Zacheus Burnham, Esq.	*Northumberland.* 1.
Peter Robinson, Esq.	*East Riding, York.*
James Durand, Esq.	*Wentworth.* 1.
Richard Hatt, Esq.	*Halton.* 1.
Robert Nellis, Esq.	1*st Riding Lincoln.*
Ralfe Clench, Esq.	2*d ditto.* 1.
David Secord, Esq.	3*d ditto*
Isaac Swayze, Esq.	4*th ditto.* 1.
Mahlon Burwell, Esq.	*Oxford and Middlesex.* 1.
Robert Nichol, Esq.	*Norfolk.* 1.
Joshua Cornwall, Esq.	*Kent.*
William M'Cormick, Esq. G. B. Hall, Esq.	*Essex.*

Clerk, Grant Powell, Esq. 1.
Chaplain, The Rev. Robert Addison. 1.
Sergeant at Arms, Mr. Allan M'Nabb.
Door Keeper, William Knott.
Messenger, John Hunter. 1.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon. Wm. D. Powell, Chief Justice, Chairman. 2.
Rt. Rev. Jacob, Lord Bishop of Quebec. 2.
The Hon. James Baby, 2.
John M'Gill, 2.
Samuel Smith, 2.
Rev. Dr. John Strachan, 2.
William Claus. 2.
Clerk of the Council, John Small, Esq. 1.
Clerks in the Council Office, { J. Beikie, Esq. 1st Clerk. / A. Mercer, Esq. 2d ditto.
Door-Keeper and Messenger, Hugh Carfrae. 2.
Housekeeper, Mrs. Lancaster.

COURT OF KING'S BENCH.

Chief Justice, The Hon. Wm. Dummer Powell. 3.
Puisné Judges, { William Campbell, Esq. / D'Arcy Boulton, Esq.
Usher, Mr. John Hunter. 2.
Keeper, Mr. Isaac Pilkington. 2.

OFFICERS OF THE DIFFERENT DEPARTMENTS.

Attorney-General, John Beverly Robinson, Esq.
Solicitor-General, ———
Secretary and Register, ———
Keeper of the Rolls of Parliament, ———
Receiver-General, Hon. John M'Gill. 3.
Auditor-General of Land Patents, Hon. John M'Gill. 4.

Clerk of the Crown and of the Common Pleas, John Small, Esq. 2.
Surveyor-General of Lands, Thomas Ridout, Esq.
Insp.-Gen. Pub. Prov. Accounts, Hon. James Baby. 3.
Deputy Surveyor of Woods, Thomas Merritt, Esq. 1.
Provincial Agent for the Affairs of the Province, resident in England, William Halton, Esq.
Agent of the Province in London, for paying Salaries of Civil Officers, W. D. Adams, Esq.

MILITIA DEPARTMENT.

Adjutant-General, Lieut.-Col. Nathaniel Coffin.
General Agent for paying Militia Pensioners, under Provincial Statute, Edward Mac Mahon, Esq. 2.

SURVEYOR-GENERAL'S OFFICE.

Senior Surveyor and Draftsman, and Chief Clerk, William Chewett, Esq.
Second Clerk, Samuel Ridout, Esq. 1.
Extra Clerk, Mr. William Morrison.

SHERIFFS.

Ottawa District,	Thomas Mears, Esq. 1.
Eastern ditto,	John Kerr, Esq.
Johnstown ditto,	John Stuart, Esq.
Midland ditto,	John M'Lean, Esq.
Newcastle ditto,	John Spencer, Esq.
Home ditto,	Samuel Ridout, Esq. 2.
Gore ditto,	Titus G. Simons, Esq.
Niagara ditto,	Thomas Merritt, Esq. 2.
London ditto,	John Bostwick, Esq.
Western ditto,	William Hands, Esq. 1.

SURROGATE COURT.

Official Principal, Grant Powell, Esq. 2.

SURROGATES FOR THE SEVERAL DISTRICTS OF THE PROVINCES.

Ottawa District,	Joseph Fortune, Esq. 1.
Eastern ditto,	David Sheek, Esq.
Johnstown ditto,	Levius P. Sherwood, Esq. 1.
Midland ditto,	Alexander Fisher, Esq.
Newcastle ditto,	D. M'Gregor Rogers, Esq. 1.
Home ditto,	W. W. Baldwin, Esq. 2.
Gore ditto,	Richard Hatt, Esq. 2.
Niagara ditto,	Robert Kerr, Esq. 1.
London ditto,	James Mitchell, Esq. 1.
Western ditto,	Rev. Richard Pollard. 1.

CLERKS OF THE PEACE.

Ottawa District,	Joseph Fortune. 2.
Eastern ditto,	Archibald M'Lean. 1.
Johnstown ditto,	Hamilton Walker.
Midland ditto,	Allan M'Lean. 2.
Newcastle ditto,	Thomas Ward.
Home ditto,	Stephen Heward. 1.
Gore ditto,	George Rolph.
Niagara ditto,	Ralfe Clench. 2.
London ditto,	Richard W. Dease. 1.
Western ditto,	G. T. F. Ireland. 1.

JUDGES AND CLERKS OF THE SEVERAL DISTRICT COURTS FOR THE MORE EASY RECOVERY OF SMALL DEBTS.

DISTRICTS.	JUDGES.	CLERKS.
Ottawa,	———	Peter F. Le Roy.
Eastern,	David Sheek, Esq.	Geo. Anderson.

DISTRICTS.	JUDGES.	CLERKS.
Johnstown,	Solomon Jones, Esq.	T. D. Campbell.
Midland,	Alex. Fisher, Esq.	Alex. Pringle.
Newcastle,	D. M'G. Rogers, Esq. 2.	Elias Jones.
Home,	W. W. Baldwin, Esq. 3.	Stephen Heward.
Gore,	Richard Hatt, Esq. 2.	George Ralph.
Niagara,	Ralfe Clench, Esq. 2.	J. B. Clench. 1.
London,	Jas. Mitchell, Esq. 2.	R. W. Dease. 2.
Western,	R. Richardson, Esq. 1.	G. T. F. Ireland. 2.

INSPECTORS OF SHOP, STILL, AND TAVERN LICENCES.

Ottawa District,	Thomas Mears, Esq. 2.
Eastern ditto,	Neil M'Lean, Esq. 2.
Johnstown ditto,	Oliver Everts, Esq.
Midland ditto,	John Cumming, Esq.
Newcastle ditto,	Elias Jones, Esq.
Home ditto,	William Allan, Esq.
Gore ditto,	John Wilson, Esq.
Niagara ditto,	Isaac Swayze, Esq. 2.
London ditto,	George Ryerson, Esq. 1.
Western ditto,	William Hands, Esq. 2.

SCHOOLMASTERS UNDER THE PROVINCIAL STATUTE.

Eastern District,	———
Johnstown ditto,	The Rev. John Bethune. 1.
Midland ditto,	The Rev. John Wilson.
Newcastle ditto,	———
Home ditto,	The Rev. Dr. Strachan. 3.
Niagara ditto,	The Rev. John Burns.
London ditto,	Mr. James Mitchell. 3.
Western ditto,	Mr. Merrill.

PUBLIC NOTARIES.

Thomas Ward,	Donald M'Dairmid,
Thomas Sparham,	James Mitchell, 4.
John Ferguson,	Stephen Heward. 2.
William W. Baldwin, 4.	

COLLECTORS OF CUSTOMS,

At the respective Ports of Entry and Clearance.

Cornwall, (Eastern District)	John Crysler. 2.
Prescott,	Alexr. M'Millan.
Johnstown, (Johnstown Dis.)	Levius P. Sherwood. 2.
Brockville, (ditto)	ditto. 3.
Gannonoque, (ditto)	(vacant.)
Kingston, (Midland District)	Christ. A. Hagerman.
Mouth of River Moira,	Simon M'Nabb.
Newcastle, (Newcastle Dis.)	James Richardson.
York, (Home District)	William Allan.
Niagara, (Niagara District)	John Symington. 1.
Queenston, (ditto)	Thomas Dickson.
Chippawa, (ditto)	Robert Kirkpatrick.
Fort Erie Passage, (ditto)	John Warren.
Turkey Point, (London Dis.)	George Ryerson. 2.
Dover, L. Point, (ditto)	Robert Nichol. 2.
Amherstburg, (Western Dis.)	John Wilson.
Sandwich, (ditto)	William Hands. 3.

REGISTERS OF COUNTIES,

For Recording Deeds of Sale of Lands therein respectively.

Prescott & Russell, (Ottawa Dis.)	J. Fortune. 3.
Glengary, (Eastern District.)	Donald Macdonell.
Stormont, (ditto)	Archd. M'Lean. 2.

Grenville, Leeds, and Dundas	(Johnstown)	L. P. Sherwood. 4.
Frontenac, Pr. Edward, Hastings, Lenox & Addington,	(Midland)	Allan M'Lean, 3.
Northumberland & Durham,	(Newcastle)	D. M'G. Rogers. 2.
York,	(Home District)	Duncan Cameron. 2.
Wentworth & Halton,	(Gore)	James Durand. 2.
Lincoln, 4 Ridings,	(Niagara)	John Powell. 2
Oxford & Middlesex,	(London)	Mahlon Burwell. 2.
Norfolk,	(ditto)	Francis L. Walsh.
Essex and Kent.	(Western)	Richard Pollard. 2.

TREASURERS OF DISTRICTS.

Ottawa,	——— ———
Eastern,	Neil M'Lean. 3.
Johnstown,	Charles Jones.
Midland,	Thomas Markland.
Newcastle,	Zacheus Burnham. 2.
Home,	William Allan.
Gore,	George Hamilton.
Niagara,	John Symington. 2.
London,	Henry Van Allen.
Western,	William Hands. 4.

THE

CHURCH

OF

UPPER AND LOWER CANADA,

1818.

The Rt. Reverend JACOB, LORD BISHOP of Quebec, 3*.

Quebec.
- The Rev. G. I. Mountain, Official of Lower Canada, Rector of the Church at Quebec, and Chaplain to the Lord Bishop.
- The Rev. J. L. Mills, Evening Lecturer at Quebec, and Chaplain to the Forces.

Montreal.
- The Rev. J. Leeds, Officiating Minister.
- The Rev. Geo. Jenkins, Evening Lecturer at Montreal, and Chaplain to the Forces.

Three Rivers, The Rev. R. Q. Short, Rector.

Wm. Henry,
- The Rev. John Jackson, Rector of Christ's Church, Wm. Henry, and Chaplain to the Lord Bishop.

St. John, The Rev. Devereux Baldwyn, Rector.

Missiskony Bay.
- Honourable and Rev. Charles Stewart, Rector of Saint Armand, and Chaplain to the Lord Bishop.
- The Rev. James Reid, Curate at St. Armand.
- The Rev. C. C. Cotton, Rector of Dunham.

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* The numbers are continued on from the Civil List; but many hold other situations which do not appear at all in any of the lists.

The Rev. Micajah Townsend, Rector of Caldwell and Christie Manors.

Chatham (vacant.)

York, (U. C.) The Hon. & Rev. Dr. Strachan, Rector. 4.

Kingston.
- The Rev. George O'Kill Stuart, Official of Upper Canada, and Rector of Kingston.
- The Rev. R. G. Curtois, Chaplain to the Forces.
- The Rev. J. Wilson, Chaplain to the Naval Establishment.

Niagara, the Rev. Robert Addison, Rector. 2.

Ancaster, the Rev. R. Leeming, Rector.

Brockville and Augusta, the Rev. John Bethune, Rector. 2.

Cornwall, The Rev. S. J. Mountain, Rector, and Chaplain to the Lord Bishop.

Williamsburg, the Rev. J. G. Weagant, Rector.

Fredericksburg and Ernest Town, The Rev. J. Wilson, officiating Minister.

Sandwich, the Rev. Rd. Pollard, Rector. 3.

CLERGY OF THE CHURCH OF SCOTLAND.

The Rev. Alexander Spark, D. D. Quebec.

——— Mr. Somerville, Montreal.

——— Mr. John Bethune, New Oswegatchie.

CHURCH OF ROME.

Upwards of 200 priests, and others; 6 in Upper Canada.

INDIAN DEPARTMENT OF LOWER CANADA.

Sir John Johnson, Bart.	*Superintendant General.*
A. K. Johnson, Esq.	*Secretary.*
Rositer Hoyle,	*Clerk to the Sup. Gen.*

F. Deschambault, Esq.	*Deputy Agent.*
C. De Lorimier, Esq.	*Resident.*
J. M. La Mothe, Esq.	*Ditto.*
J. B. C. De Lorimier, Esq.	*Ditto.*
David Kennelly, Esq.	*Surgeon.*
B. St. Germain,	*Interpreter.*
Frs. Annance,	*Ditto and Schoolmaster.*
Louis Vincent,	*Schoolmaster at Lorette.*
Rev. J. Paquin,	*Missionary.*
N. Dufresne,	*Ditto.*
J. Marcoux,	*Ditto.*
J. M. Belanger,	*Ditto.*
A. Bedard,	*Ditto.*
Ls. De Salaberry, Esq.	*Deputy Superintendant.*
J. Bte. D'Estimauville,	*Interpreter.*
Joseph Niverville,	*Ditto.*
D. Ducharme,	*Ditto.*

INDIAN DEPARTMENT OF UPPER CANADA.

Fort George.

William Claus, Esq.	*Dep. Superintendant Gen.* 3.
Alex. M'Donell, Esq.	*Assistant Secretary.*
Robert Kerr, Esq.	*Surgeon.* 2.
Joseph B. Clench,	*Storekeeper and Clerk.* 2.
George Martin,	*Interpreter.*
William Gruett,	*Ditto.*
Andrew Brady,	*Ferryman.*

York.

James Givans, Esq.	*Superintendant.*
William Hands,	*Storekeeper and Clerk.*
John Brant,	*Interpreter.*
Benjamin Fairchild,	*Ditto.*
Alex. Ferguson,	*Ditto.*
John Higgins,	*Blacksmith.*

AMHERSTBURG.

Robert Richardson, Esq.	*Surgeon.* 2.
George Ironside,	*Storekeeper and Clerk.*
Charles Langlade,	*Interpreter.*
George Rapp,	*Ditto.*
J. Bte. Cadotte,	*Ditto.*
Jacob Graveratt,	*Ditto.*
Timotyh Murphy,	*Blacksmith.*

KINGSTON.

B. Lyons,	*Interpreter.*

GRAND RIVER.

E. Hawley,	*Blacksmith.*
Edward M'Laughlan,	*Schoolmaster.*

DRUMMOND ISLAND.

William M'Kay, Esq.	*Superintendant.*
Thomas G. Anderson,	*Interpreter, Clerk, and Storekeeper.*
L. Johnson,	*Lieutenant.*
Joseph St. Germain,	*Interpreter.*
——— Assigenach,	*Ditto.*
Amable Dusang,	*Ditto.*
David Mitchell, Esq.	*Surgeon.*
James Farling,	*Blacksmith.*

DEPARTMENT FOR SETTLERS IN LOWER CANADA.

Secretary and Storekeeper,	William Gibsone, Esq.
Surgeon,	Malcolm Ritchie, Esq.

DEPARTMENT FOR SETTLERS IN UPPER CANADA.

Secretary and Storekeeper,	Daniel Daverne. Esq.
Surgeon,	John Caldwell.

APPENDIX.

No. III.

(This Number of the Appendix will chiefly consist of EXTRACTS *from the* NIAGARA SPECTATOR *Newspaper, as reprinted in the Pamphlet spoken of, page 464, vol. 2. Any Article which appeared in the Newspaper, but was not inserted in the Pamphlet, will be inclosed in Brackets; and any explanatory Note, written at this time, will be printed in italics, and also inclosed in Brackets. The Extracts will be headed by the Dates of the respective Newspapers in which they first appeared.)*

EXTRACTS.

NOVEMBER 6, 1817.

We would direct public attention to a publication in the last York (Upper Canada) Gazette, addressed *To the Resident Land Owners of Upper Canada,* by Mr. ROBERT GOURLAY, an English gentleman, who is now on a visit to this province, with the view of ascertaining its agricultural advantages, and of collecting materials for a Statistical Account of the same, which Mr. G. proposes publishing on his return to England. Our limits this week will not even admit of an outline of the plan, but we promise the Address in full next week.

NOVEMBER 13, 1817.

[*In the Paper of this Week appeared my first Address, which has been given above in the Introduction. It was noticed and published by the Editor of the* SPECTATOR, *without any interference on my part.*]

Niagara, November 8th, 1817.

We the undersigned Magistrates of the district of Niagara, having observed in the York Gazette of the 30th ult. an Address from Mr. Gourlay to the Land Owners of Upper Canada, proposing to publish a Statistical Account of this Province, do conceive that the same would be highly beneficial, and recommend that meetings be immediately held in the several townships to consider of and reply to the queries therein proposed.

(*Signed*)	THOMAS CLARK.	THOMAS DICKSON.
	ROBERT KERR.	ROBERT ADDISON.
	ROBERT GRANT.	THOMAS BUTLER.
	JAMES KERBY.	JAMES MUIRHEAD.
	SAMUEL STREET,	GEO. KEEFER.

A communication from Queenston was received too late for to-day, but shall appear in our next.

NOVEMBER 20, 1817.

The communication from Mr. Gourlay, which will be found below, was intended for our last paper, but having been received too late we were compelled to defer it till this week.

TO THE EDITOR OF THE NIAGARA SPECTATOR.

Queenston, Nov. 10, 1817.

SIR,

I am gratified with the notice you have taken of

my Address to the Land Owners of Upper Canada in your last paper, and glad that you are to give it place in your next, as that must greatly contribute to forward the desired effect.

When I presented the Address for publication to the Editor of the Upper Canada Gazette, I little thought that either my sentiments or proposals could offend any one; and, no sooner was it before the public, than I had the satisfaction of hearing the design commended by many of the first characters in York*, who even suggested that much of the required information could be obtained for me at the public offices.

Rendered confident by such support, and finding that printed letters could be sent free of postage to every part of the province, I ordered 800 copies of the Address and Queries, to be thrown off in *a Circular*, and dispatched to the public officers of every township, lest the York newspaper should not fall into their hands. What was my surprise after all this—after devoting not only my time but my money to such a cause; what was my surprise to hear, from unquestionable authority, on my passage in the steamboat from York to Niagara, that a Member of the Executive Council had declared himself displeased with my sentiments, and had called it presumption in me, a stranger, to come forward as I had done.

Were it matter of private concern, it would be much beneath me to notice the whisperings of any one; but under present circumstances my duty is to speak out, and once for all, to guard the public against murmurs which may retard the promotion of the best interests of the province.

If any one can seriously challenge my opinions or proposals, let him do so through the medium of the public

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* Here part of the letter has been omitted.

prints, setting forth, as I have done, his profession and his name. By such means all of us may be better informed than we are, and that good may be obtained which little fault-finding cannot accomplish.

In offering my services to this province as Compiler of its Statistics, I offer much labour with small prospect of emolument; and if there is, in York or elsewhere, any one willing to undergo the drudgery, in whom greater confidence can be placed, most gladly will I resign to him the task; which, indeed, I cannot perform unless *immediately and frankly* assisted in the manner proposed.

That I am a stranger is not in every sense correct. My near connexions were among the first settlers of Upper Canada, and I am proud to say rank also as its greatest benefactors. Indeed where the memory of the Hon. Robert Hamilton is so much revered, it is natural for me to claim that country as my home.

A singular concurrence brought into the same page of the Upper Canada Gazette, the Regulations of the Strangers' Friend Society and my Address. It is possible that some of my remarks may have been felt by members of that society, as purposely directed against their endeavours; but so far was this from the case, that I had committed to paper these very sentiments a month before I knew of such a society coming into existence, and actually threw in some words at York, to save thfe e lings of its well-meaning supporters. My only wish was to guard the public against *relying* in such schemes as conducive to colonization. Had I entered further into the subject I might have shewn their positive evils, and informed the worthy inhabitants of Canada, that the greatest curse of England, the present system of poor laws, had its origin in *erring benevolence.*

While there is opportunity it may be well to leave nothing in my Address unexplained. When first written it contained the following words: "*The able resolutions*

brought forward at the close of your last session of Parliament." It had not entered into my head that the mere expression of one's opinions could give offence; but having accidentally read the Address to a friend, before I sailed from Niagara to York*, I was cautioned against the use of these words, and luckily it was so, for on my arrival in York I found the said resolutions were held in utter abhorrence there, insomuch that they had not even obtained a place in the Gazette. To avoid offence I substituted in place of the above words, "growing necessity," which answered my end equally well. The *Resolution* I had particularly in view related to the taxation of wild lands; and till that is brought about, every effort for giving full scope to improvement here must be abortive.

The *Resolution* which regarded the admission of people from America into Canada, was not only *able,* but in my opinion essential to the dignity of the Legislature of the

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* On the 19th day of October, 1817, I went on board the steam boat at Niagara, to cross the Lake to York. Our sailing being delayed a little while, by high wind, I stepped on shore and conversed with the Honourable William Dickson and Mr. M'Donnel, formerly Speaker of Assembly. I took Mr. D. aside, told him that I proposed publishing an Address at York, and read to him the first part of it, when he gave me the caution mentioned in the text. We rejoined Mr. M'D. and conversed further on the subject. I told them I should have printed the Address in the Niagara Spectator, but for having seen a very improper article inserted in that paper: on which Mr. D. said, that this must have happened from inadvertency, as the Editor was a very good man. I am thus particular for several reasons, but chiefly wish to be understood that it was by perfect accident that I went to York with any guard against the supercilious notions of its inhabitants. I had avoided particular consultation with my friends merely because I wished them in no way to be responsible either for my acts or opinions in this business.

province. The *veto* issued against the admission of such people, I am clearly convinced was subversive of a constitutional Act, which no one branch of government had a right to infringe. It was a question for the grave and deliberate determination of the Three Estates of Parliament. It was not incumbent on me to speak of this. The evil done to the province by the exercise of this *veto*, I considered irretrievable, and wished rather to avoid allusion to a fearful subject—the encroachment of arbitrary power. Under these circumstances, it seemed best to say, in my Address, that the exclusion of American citizens "was of *small consequence*," but this must depend entirely on the *establishing a liberal system of colonization;* and unless such is speedily resorted to, our hopes here of prosperity and independence must be at an end.

That any doubt with regard to me may not for a moment delay the most efficient and peaceable mode of informing the people and government at home of the state of Canada, through the medium of a well-authenticated Statistical Account, I now beg that all communications on the subject may be addressed, *post-paid,* to me* at this place; and the sense of the public will appear by answers to the following additional query, "*Can you recommend any person peculiarly qualified for arranging and publishing the Statistics of Upper Canada, or are you willing to repose confidence in your humble servant,*

"ROBERT GOURLAY?"

NOVEMBER 27, 1817.

[Mr. Gourlay's Address to the Resident Land Owners of this province has brought into our paper of this day two

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* The words, "*to me*," were not in the manuscript, but were substituted for others erased, inadvertently, by my friends.

communications, rather at war with each other in their sentiments. The production under the signature of "J. H." however honestly intended, is only calculated to frighten the credulous, and might prove a material detriment to Mr. Gourlay's undertaking, were the public to be easily alarmed where there is no danger. Mr. G.'s project, so far as we can learn, is in a fair train of success, and we believe it is accompanied with the good wishes of the community.]

[To the Editor of the Spectator.

Sir,

I have read, with a mixture of pleasure and regret, Mr. Gourlay's proposals for publishing the Statistics of Upper-Canada: pleasure in seeing him come forward with the liberality of a man who has the real interests of the country at heart—regret to discover that there should exist in this or any other country minds so awfully weak as to oppose so laudable and salutary an offer. The undertaking is gigantic, but it will succeed. Mr. Gourlay has all the mercantile and agricultural interest at his heels, and therefore need not heed those few great men in miniature who affect to crush him. He is accused of being a democrat. Well! what of that? It will probably have no more effect on the work than a man's political sentiments would have on the compilation of a system of arithmetic. But if this accusation is meant as an opprobrium, it ought to have been attended with some positive proof, otherwise it will not produce that effect which is so very maliciously intended.

This gentleman has come forward in a candid and honourable manner, and promises, with appropriate assistance, to perform a task which, I presume, his opponents have neither the industry nor the talents to accomplish.

It has ever been the custom among a certain class of people in this province to raise the hue-and-cry against

the patriotic exertions of deserving characters, unless such characters would degrade themselves, by cringing and soliciting patronage which, when obtained, would be of no earthly benefit.

I sincerely wish Mr. Gourlay success, and you are at liberty, Sir, to inform him, that I shall render him much assistance; and for his own amusement I hope he will rivet in his mind the consolatory words of the poet:

"Pigmies placed on Alps, will be pigmies still."

HONESTUS.]

[MR. SPECTATOR,

I have read a production which appeared in your well conducted paper of the 13th inst. signed "Robert Gourlay." The wild theory of fancy that this gentleman has submitted to the people of Upper Canada, surpasses any thing which I have hitherto read, even from the distempered brain of the crazy philosopher, politician, or sectarian. His queries are numerous, and most of them laughable. He has omitted many that might serve his intentions infinitely more than those inserted. If he wished to complete a radical history of the productions of Upper Canada, he should have put these queries: How many trees, and the different kinds, are contained in every hundred acres? What is the number of individuals joined in wedlock, and otherwise, who have children? how many dead? how many living? and the probable increase at the termination of every ten years. These, substituted instead of some of the *others*, might prove advantageous to the people of this region. This gentleman came to deal out blessings to the country which does not stand in need of them; and he has left one, which he depicts to be in the most abject state of human misery. He says that he has seen in England, men (who are the image of their Creator)

yoked to perform the task of oxen and horses. Would it not be congenial to the real philanthropist to remain at home and expend a little of his wealth to extricate his countrymen from the drudgery of beasts? Canadians! behold the extreme love this foreigner has for you, which he has withdrawn from the wretched he has left behind. Whence comes all this? I will tell you, Canadians; this gentleman's object is either emolument, or he has been transmitted by the prime minister of England as an agent to collect all the materials he can relative to the prosperity of this land, so as to impart to it some of the blessings of taxation, which has borne down, and pressed so heavily on the mother country. "O freedom, thou art above all gold and treasure. It is thou who enlargest the soul and openest all the powers to receive instruction, and to relish virtue: he that hath thee has little more, save health, to wish for; and he who is so wretched as to lack thee, wants every thing." J. H.]

Public Notice.

We, the subscribers, magistrates of the district of Gore, having observed in the newspapers an Address to the Resident Land Owners of Upper Canada, signed Robert Gourlay, proposing to collect materials for publishing a Statistical Account of this province, are of opinion that the same would be of great public benefit, and recommend *meetings* to be held in every township as soon as possible, to consider of the same, and return answers to the queries put, attested by the signature of the chairman of such meetings.

(Signed)	Rich. Beasely.	Rich. Hatt.
	Geo. Hamilton.	Jas. Crooks.
	Henry Hagle.	Levi Lewis.
	Hugh Willson.	John Willson.
	Wm. Hare.	Robt. Nelles.

THURSDAY, DECEMBER 4TH, 1817.

[*For the Niagara Spectator.*

MR. EDITOR,

A writer in your last publication has exhibited to the readers of the Niagara Spectator, as rare a specimen of complicated nonsense, as ever disgraced the columns of a public print. The production bearing the signature of "J. H." would fall beneath the dignity of a chimney sweeper's notice, were it not necessary that the less informed part of the community should be guarded against adopting the sentiments of the "distempered brain of a crazy politician." Mr. Gourlay's late address to the land-owners of this province, is the assembling focus for the rays of this writer's intellect, and unfortunately for himself, he has pounced upon a hornet's nest, divested of the necessary weapon of defence. In the first place he tells us that Mr. Gourlay's queries are numerous, and most of them laughable. Why did not the gentleman condescend to *point out* those queries that distorted his gravity, that we might either partake of his merriment, or convince him of his ignorance? And in the next place we find him, after properly adjusting the muscles of his phiz, proffering new queries for the adoption of Mr. Gourlay, and which are to be "substituted instead" of those that were the subject of his glee. Whether, in this instance, he would wish to be considered in real earnest, or whether it was a mere effort to be witty, is to me totally incomprehensible. If the latter, he was certainly most unfortunate in the undertaking. Mr. Gourlay, he intimates, "came to deal out blessings to a country which does not stand in need of them;" and that "he has left one which he depicts to be in the most abject state of human misery"—that "he has seen men in England yoked to perform the task of oxen and horses," and, continues the writer, "would it not be more congenial to

the real philanthropist, to remain at home, and expend a little of his wealth, to extricate his countrymen from the drudgery of beasts?" So much barefaced absurdity, perhaps, never before appeared within so small a compass. If he would once more read the address of Mr. Gourlay, and was not incapable of understanding, he would soon discover that the avowed object of that gentleman's visit to this province, is to seek a better condition for his suffering countrymen. That one man, or any set of men, could effectually relieve the present suffering state of the poor in England, by charitable donations, is an idea that common sense would wink at. Still this champion of benevolence would impeach the motives of an adventurer in the cause of humanity, whose purpose it should be to ameliorate the helpless condition of his fellow mortals. Listen to the sage once more. "Canadians," says he, "behold the extreme love this foreigner has for you, which he has withdrawn from the wretched he has left behind." What part of Mr. Gourlay's address can this writer produce as authority for this unqualified libel? An assertion too palpably gross to deserve comment; and the legitimate offspring of a weak understanding. Now comes the climax of all folly, when he says, "I will tell you, Canadians; this gentleman's object is either emolument, or he has been transmitted by the prime minister of England, to collect all the materials he can relative to the prosperity of this country, so as to impart to it some of the blessings of taxation," &c. I cannot say but the writer of this opinion might have been sincere, but he certainly either displayed a total ignorance of the laws of his country, or a wicked propensity to deceive and alarm the uninformed. It is well known, or ought to be known, that there is a law of the British parliament in existence, which secures us against the possibility of the "blessings of taxation," unless effected by a revolution in the constitution of England.

These remarks, Sir, you are at liberty to publish, and oblige, W. W.]

DECEMBER 11TH, 1817.

[BEWARE OF BAD BILLS.

On Saturday last, three men were committed to gaol in this town, for attempting to pass bad notes on the Jefferson county bank. The bills, it appears, were alterations from *ones*, *twos*, and *fives*, to *twenty's* and *fifty's*. The alteration is said to be tolerably well executed, and requires very close scrutiny to detect imposition.]

[The American congress commenced its sessions on Monday last, at their capital city of Washington.]

[NEW SALT WORKS.

It must be peculiarly gratifying to the public to learn that a spring of *saline* water has been discovered near the village of St. Catharine's, which has proved by experiment to produce SALT of a very excellent quality. By an advertisement in this paper, it will be noticed that suitable works have been erected, and are now in actual operation for the manufacture of that essential commodity. The discovery will no doubt be highly prized by the inhabitants of this province, as furnishing within ourselves a very necessary article of subsistence, hitherto subject to the expenses of transportation and duties, or in case of an American war, only to be obtained through the channel of the St. Lawrence. Establishments of this nature should not be permitted to suffer for want of patronage, on which their existence and public utility so much depend.]

[Mr. Cobbett proposes writing an impartial account of the life, labours, and death of Thomas Paine, after which he thinks of returning to England, and obtaining a seat in parliament! Porcupine begins to *pluck* up courage.]

[A Quebec paper of the 11th ultimo states, that three hundred and three vessels, with five thousand three hundred and seventy-five new settlers, have arrived at that port during the last season.]

[The first number of THE GLEANER and NIAGARA NEWSPAPER was published in this town on Thursday last, edited by Mr. Andrew Heron.]

[A new printing apparatus has arrived, for the establishment of a newspaper at the village of Dundas, to be entitled, The PHŒNIX, and edited by Richard Cockerel, Esq.]

Buffalo, Dec. 2.

[*Something novel.*—Yesterday morning, seven young warriors of the Seneca nation of Indians, left this village in the stage, under the charge of Messrs. A. C. Fox of this village, and W. Brigham, of Chautauque, for New York; from whence, we understand, they are to take passage for Liverpool, England. Their object is to exhibit themselves in all the important towns in England, whence they will proceed to Paris, and afterwards, probably, complete the *grand tour* through Europe. The Indians are all fine-looking, active young men, and will undoubtedly afford the Europeans a very novel and interesting exhibition. *Journal.*]

Montreal, Nov. 15.

[The Montreal bank is said to have commenced with quite an unexpected confidence from every part of the community, so much so, that the merchants are realizing more convenience from it than they ever anticipated. Since it commenced business, the deposits are reported to have been immense.].

[CONDITIONS

OF THE

NIAGARA SPECTATOR.

☞ Will be published every Thursday, at four dollars per annum.

☞ All subscriptions for less than a year, particularly by mail, must be paid in advance.

ADVERTISEMENTS.

☞ Not exceeding a square, will be conspicuously inserted once for a dollar, and two shillings for every subsequent insertion. No single insertion will be considered less than a square.

☞ No advertisement will be discontinued without orders, and all arrearages paid.

☞ All letters and communications must be post paid.]

THURSDAY, DECEMBER 18th, 1817.

[Mr. Gourlay's Address, we perceive, has been copied into the Geneva Gazette, a respectable paper, published

in the village of Geneva, state of New York. The Address is accompanied with some very just and liberal remarks, which we are induced to copy, in order that our readers may learn the opinion entertained by the Americans relative to an undertaking from which they can expect to reap no benefit, should it prove ever so successful.]

[*From the Geneva Gazette.*

The following "Address" has appeared in several of the newspapers published in Upper Canada, and it is said to engage the earnest attention of the "Resident Land Owners" in that province. Our relations with Great Britain, and our proximity to the Canadas, give us a secondary interest in measures affecting the mother country, or her American dependencies; not that we view with jealousy or apprehension any attempt to increase the population and prosperity of the neighbouring province: we see no reason for indulging feelings of this kind. United and happy at home, respected and admired abroad—too just to provoke aggression, and too powerful to invite it; what has united America to fear from other nations? Secure in the enjoyment of national and individual blessings ourselves, we desire to see similar blessings extended to the whole human race. The redundant population of England might find in Canada a safe asylum from famine and the sword, to which it is alternately exposed; while the Government, by this draining, would find idleness, immorality, pauperism, prevented at home more effectually than by all its boasted and expensive charitable institutions. Thus would the mother country and the provinces be mutually benefited, and thousands of human beings turned from shame and beggary to usefulness and happiness.

Mr. Gourlay appears to be a man of sound sense, of true patriotism, and of correct benevolent views. His connexions in Great Britain and in Canada are said to be highly respectable; and, if we are not much mistaken, he possesses that rare combination of talents, industry, and judgment, which is calculated to effect good in the world. We heartily wish him success in the cause he has undertaken, because it is the cause of *humanity*.]

Every attempt in Canada to convert the wilderness into cultivated farms; to draw forth the hidden resources, and improve the natural advantages of the province; to extend the sphere of civilization, and to increase the sum of human happiness, will awaken in us feelings of sympathy and respect, with a determination still to outdo them in the good work.]

[*To the Teachers of the District Common Schools, in the District of Niagara.*

GENTLEMEN,

You are required by the Board of Education to inquire into the state of the inhabitants in your respective neighbourhoods, as to their possessing, or want of the Holy Scriptures, and your Trustees are requested to aid you in this benevolent inquiry.

Firstly. You will inquire, by going from house to house, if they possess any copy of the Scriptures, and in what condition.

Secondly. If they are without this invaluable treasure, whether they are desirous of possessing it, and are willing to form associations to purchase it, by instalments of a quarter dollar per month.

Thirdly. How many of the family can read, and if any person, of honest worth, find it difficult to spare this small sum, he may subscribe less, or have his Bible gratis, if he

appears to deserve it.—Let this information be entered in separate columns, and sent to Samuel Street, Esq. at the Fall Mills, secretary to the Niagara Bible Society.

This inquiry is preparatory to the formation of associations in this district, for the high purpose of spreading the knowledge of divine truth, and it is evident that the act of periodically contributing to a religious object by any set of men, and especially to procure Bibles for themselves and children where they are wanted, or to aid their distribution among their poorer neighbours, and their fellow-creatures in general, leads to the formation of economical and pious habits, and tends to generate and cherish those feelings in the mass of the community, which conduce in a great degree to private virtue and public happiness.

Resolutions recommended for adoption at meetings assembled for the formation of Bible Associations, will be published in some future Spectator, as soon as the Niagara Bible Society receives information of Bibles being sent out to be disposed of by their Committee.

R. CLENCH,
A Member, and Secretary to the Board of Education.]

[*Niagara, June* 1, 1817.

The following forms of report and certificate will be attended to, by the trustees and teachers of the district common schools, within the district of Niagara. And the Board of Education beg leave to recommend that the following rules be adopted in the different schools. The books mentioned in the rules will be provided by the Board of Education, with as little delay as possible.

Report of a District Common School established in the township of . . . on the . . day of . . in the year of our Lord one thousand eight hun-

dred and under the tuition of Mr. A. B. a British subject, and kept until the day of 181

NAMES OF CHILDREN.	AGE.	STATE of LEARNING.					What Books used, and the authors.
		Primers.	Spelling.	Reading.	Writing.	Arithmetic.	
							A. B. C. D. E. F. } Trustees of the district common school.

FORM OF A CERTIFICATE.

We, the Trustees of a District Common School, established in the township of , in the district of Niagara, province of Upper Canada, do certify that Mr. A. B. a British subject, has taught the said district common school as aforesaid, for the space of six months, commencing on the day of and ending on the day of 181 ; having not had less than twenty scholars, and has well demeaned himself as teacher of the said school, and much to our satisfaction; given under our hands in the township of aforesaid, this day of 181 .

To T. S. Esq. Treasurer, District of Niagara.

A. B. C. D. E. F. } Trustees.

RULES.

1. The master to commence the labours of the day by a short prayer.

2. School to commence each day at nine o'clock of the forenoon, and five hours at least to be taught during the day, except on Saturday.

3. Diligence and emulation to be cherished and encouraged by rewards judiciously distributed, to consist of little pictures and books according to the age of the scholar.

4. Cleanliness and good order to be indispensable, and corporeal punishment seldom necessary, except for bad habits learned at home, lying, disobedience, obstinacy, and perverseness, these sometimes require chastisement; but gentleness even in these cases would do better with most children.

5. All other offences in children, arising chiefly from liveliness and inattention, are better corrected by shame, such as gaudy caps, placing the culprits by themselves, not admitting any to play with them for a day or days, detaining them after school hours, or during a play afternoon, and by ridicule.

6. The master must keep a regular catalogue of his scholars, and mark every day they are absent.

7. The forenoon of Wednesday and of Saturday, to be set apart for religious instruction; to render it agreeable, the school should be furnished with at least ten copies of Barrow's Questions on the New Testament, and the teacher to have one copy of the Key to these questions for his own use; the teacher should likewise have a copy of Murray's Power of Religion on the Mind, Watkins' Scripture Biography, and Blair's Class Book, the Saturday Lessons of which are well calculated to impress religious feeling.

These books are confined to no religious denomination, and do not prevent the master from teaching such Catechism as the parents of the children may adopt.

8. Every day to close with reading publicly a few verses from the New Testament, proceeding regularly through the gospels.

9. The afternoon of Wednesday and of Saturday, to be allowed for play.

10. A copy of the rules to be affixed up in a conspicuous place in the school room, and to be read publicly to the scholars every Monday morning by the teacher.

Niagara, Aug. 5, 1817.]

THURSDAY, DECEMBER 25th, 1817.

At a meeting of the Magistrates and other inhabitants of the District of London, held at Vittoria, the 2d of December, 1817, for the purpose of taking into consideration the propriety of calling general meetings on the subject of an Address which appeared in the Upper Canada Gazette of the 30th October last, containing proposals for publishing a Statistical Account of the Province, Joseph Ryerson, Esq. in the chair, the following resolutions were unanimously agreed to.

1st. *Resolved*—That it is the unanimous opinion of this meeting, that every facility ought to be afforded to the author of that Address, to enable him to complete the proposed work, which, in the opinion of this meeting, will tend greatly to the improvement of this province in general.

2d. *Resolved*—That as individuals, we will give all the support in our power, to promote so desirable an object; and as a first step, we strongly recommend to the inhabitants of the different townships within this district, to call meetings with as little delay as possible, fixing a particular day for the purpose of furnishing replies to the several queries in that Address.

3d. *Resolved*—That as dispatch is very desirable, these meetings should be held as speedily as is consistent with correct information.

4th. *Resolved*—That these resolutions be signed by the Chairman and Magistrates present, and be published in

the Upper-Canada Gazette, the Niagara Spectator, and the Kingston Gazette.

(Signed) Jos. Ryerson, Chairman.
J. Backhouse, J. P.
George C. Salmon, J. P.
J. Mitchell, J. P.
Thomas Bowlby, J. P.

[A petition will be presented to the present Congress, to add another new state to the union—Missouri. The number will then be twenty-one.]

[EXTRACT

From the President's Message to Congress.

I have the satisfaction to inform you, that an arrangement which had been commenced by my predecessor with the British government, for the reduction of the naval force by Great Britain and the United States, on the lakes, has been concluded; by which it is provided, that neither party shall keep in service on Lake Champlain, more than one vessel; on Lake Ontario more than one; and on Lake Erie and the Upper Lakes, more than two; to be armed each with one cannon only; and that all the other armed vessels, of both parties, of which an exact list is interchanged, shall be dismantled. It is also agreed that the force retained, shall be restricted in its duty, to the internal purposes of each party; and that the arrangement shall remain in force until six months shall have expired, after notice given by one of the parties to the other, of its desire that it should terminate. By this arrangement, useless expense, on both sides, and what is of still greater importance, the danger of collision between armed vessels, in those inland waters, which was great, is prevented.

I have the satisfaction also to state, that the commissioners under the fourth article of the treaty of Ghent, to whom it was referred to decide to which party the several islands in the bay of Passamquaddy belonged, under the treaty of 1783, have agreed in a report, by which all the islands in the possession of each party, before the late war, have been decreed to it. The commissioners acting under the other articles of the treaty of Ghent for the settlement of boundaries, have also been engaged in the discharge of their respective duties, but have not yet completed them. The difference which arose between the two governments under that treaty, respecting the right of the United States to take and cure fish on the coast of the British provinces, north of our limits, which had been secured by the treaty of 1783, is still in negociation. The proposition made by the government to extend to the colonies of Great Britain the principle of the convention of London, by which the commerce between the ports of the United States and the British ports in Europe, had been placed on a footing of equality, has been declined by the British government. This subject having been thus amicably discussed between the two governments, and it appearing that the British government is unwilling to depart from its present regulations, it remains for Congress to decide whether they will make any other regulations, in consequence thereof, for the protection and improvement of our navigation.

The negociation with Spain, &c. &c.]

[MR. SPECTATOR,

SIR,

I observed in your paper of the 4th instant, a composition signed W. W. wherein a feeble attempt was made to criticise on some observations I made on Mr.

Gourlay's Address. *This puny scribbler's* display of reasoning on this subject is pretty well known by this time even to the most humble in intellect. Deduct the quotations, the residue would not fill the space of one-tenth part of a column. His arguments are of such a complexion, that they are unintelligible to the philosopher or statesman. The talents of a chimney sweep are estimated by him as superficial and confined. I dare say he performs the task of sweeping his own chimney, which prevents him from having an intercourse with the valuable and useful class of society. Besides, I consider that his selection of words, with application, could not be impaired by holding a communication with them.

He says, Mr. Gourlay's late Address to the land owners of this province, &c. *is the assembled focus* for the rays of this writer's intellect!!! O! Newton, Newton. If thy departed spirit was to review this world, and behold a *luminary* who emanates from thy divine philosophy, with what rapture would it return to sing hallelujahs, for being the cause of blockheads becoming reasoners. I am much obliged to this disciple of Newton, for the friendly hint he has thrown out respecting the hornet's nest; but I have made it a general rule when I meet with obnoxious insects or reptiles, I let them drop into annihilation.—If Blackstone was on earth, and observed the English statute laws torn to rags by this grave expounder, he would "adjust the muscles of his phiz," and give him a rap over the knuckles for attempting to substitute absurdities for common sense. Here follows his exposition. "It is well known, or ought to be known, that there is a law of the British parliament in existence, which secures us from the blessings of taxation, unless effected by a revolution in the constitution"!!! Let any rational man reflect for a moment on the absurd statement, and he will conclude the writer was born without brains. He should know that the British parliament could effect, by a majority, any point

which it conceived might tend to increase the influence of the crown, or the happiness of the subject. Wherefore it may annul, abrogate, or repeal any act of parliament which expediency may require. How is it possible that this logical disputer could entertain any fear from my observations, that they will either alarm or deceive the ignorant? surely this is impossible. He says I am ignorant; wherefore if the blind lead the blind, both shall fall into the ditch. Consequently this reasoning machine has been hoodwinked throughout the whole of his rhapsody, by a false hypothesis. J. H.]

[*From the Canadian Courant (Montreal Newspaper.)*

A correspondent has recommended to the Agricultural Society of this place, the plan laid down in the Address of Mr. Robert Gourlay, to the land-owners of Upper Canada, and by this means "obtain a statistical account of this district. The result (he says), would be of infinite advantage to town and country." The writer's observations are generally good, but there are some remarks in the piece that are inadmissible:—with him we are glad that the efforts of Mr. Gourlay are likely to have so good an effect as it appears they will have in the Upper Province; and if so they will have a good effect upon this province; for whatever tends to advance the interest of the one, must tend to benefit the other. It appears the inhabitants of the Upper Province are embracing the laudable offer of Mr. Gourlay, by appointing town committees to collect and forward to him the requisite statements. These will make known in Europe the superior advantages held out to those wishing to emigrate to America, and it will, as has been justly observed, "most certainly cause the whole tide of emigration to flow into Canada, and with it, agricultural and other useful knowledge and improvements, with their natural concomitants, commerce, and wealth."]

JANUARY 1st, 1818.

[Halifax, Dec. 1.

Another fire at St. John's, Newfoundland.

By the *Two Friends,* which arrived yesterday afternoon from St. John's, N. F., the very melancholy tidings were received of a great portion of that ill-fated town having been destroyed by fire on the night of the 7th ult.]

[FOR THE NIAGARA SPECTATOR.

Mr. Printer. I perceive that your windy correspondent, J. H. has given free toleration to another strain of flummery, which appeared in your last Spectator, and upon which I shall bestow but very little attention. My remarks upon his first production I conceived extremely courteous, considering the insignificance of the "reptile" with which I had fell in contact.

Mr. Gourlay's Address, against which this dabbler was first to raise the war-whoop, has been very prudently abandoned, and the current of his vulgar cunning turned upon the head of the two *Double-yous.*

I feel, Sir, an anxiety for the successful result of Mr. Gourlay's benevolent undertaking, and congratulate him on the unanimity that appears to pervade the people of this province in favour of his project; but more especially do I congratulate Mr. Gourlay on his escape from the officious scribblings of such an advocate as J. H. Such an ally I should consider as dangerous to the enterprise, whose essays would be sure to disgrace even a good cause. The misfortune of his support would reduce a laudable enterprise to a state of extreme unpopularity, if not prove the means of sealing its fate beyond redemption.

I have neither time nor inclination at present to pursue the subject; but should J. H. persist in his folly, I shall snatch a little more time to do him perfect justice.

W. W.]

JANUARY 8th, 1818.

[The grand-jury of Philadelphia have refused to indict the British Officers, who were arrested in that city on a charge of being bound to join the South-American patriots. They unanimously agreed to indorse *ignoramus* upon the bill furnished to them by the District Attorney.—*Albany Argus.*]

[STEAM-BOAT ON LAKE ERIE.

We are happy to learn that a company has been formed in Albany, for the purpose of constructing a steam-boat on Lake Erie. Mr. Noah Brown, ship-builder, of New York, is contractor for the completion of it. He has arrived here with a part of his hands, and will commence the work immediately. It is intended to be ready for the Lake by the 1st of June next.—*Buffalo Journal.*]

[*The steam-boat,* WALK-ON-THE-WATER, *450 tons, was completed, and sailed regularly between Black-Rock, near Buffalo, and Detroit; occasionally to Michilimackinac.*]

The Parliament of this province will convene at York, on Thursday the 5th of February, ensuing.

[*Queenston, Jan. 7,* 1818.

The Right Hon. the Earl of Selkirk arrived here yesterday from Washington, and set off this day for York, on his way to Montreal.]

January 8, 1818.

TO THE EDITOR OF THE NIAGARA SPECTATOR.

SIR,

You inserted in your paper of the 20th November

last, a letter with my signature, and as that letter was not given to the public as it was written by me, you will, I trust, afford room in your columns for explanation.

The letter was begun on the point of my setting off from Queenston on a far journey from which I have only now returned, and it was not finished till I reached my second stage: from whence I enclosed it to a friend, bidding him, as it was a hasty production, use his discretion as to making it public. It will be remembered that the cause of my writing this letter, was a report that an Executive Councillor had been finding fault with my proceedings. Conscious how little I deserved blame, and fully convinced of the vast importance to the province of my proposals being carried into effect, I desired, in my letter, that communications should be addressed to a "well-known and worthy magistrate" of this district, (mentioning his name) that he and his brother magistrates might dispose of such communications, the best for the public good. The worthy magistrate, from false delicacy, declining to have his name appear, it, with its epithets, were struck out by my friend, and the words, "to me," inserted. Should any one take the trouble of looking back to the letter, as printed, he will see what a strange difference this interchange of words produced. Instead of making me appear, as in fact I was, indifferent to all personal consideration, it thrust me forward as doubly presuming.

Another part of my letter was also, from false delicacy, greatly altered to my prejudice. I wrote that "I had the satisfaction of hearing the design commended by many of the first characters in York, *among whom was his Honour the Administrator, and the Honourable Chief Justice,*" but these words, here marked in italics, were erased by my friend, little considering how very important they were, not only in gaining public confidence to the cause, but as tending at once to justify me, and screen those respectable personages from suspicion and censure.

Before my address appeared in the Upper Canada Gazette, it was submitted to Colonel Smith, who gave it his fullest approbation; and immediately after its publication, being told that Chief Justice Powell also approved of it, and desired to see me, I waited on him, and had a most cordial conversation on the subject; and it was owing to such respectable countenance, that I ventured on the extraordinary step of sending *circulars* over the province.

One fault there was in my letter; I did not give the name of the unfriendly Councillor; thereby affording room for unfair surmises; and this, upon reflection, gave me pain. The individual alluded to was the Rev. Dr. Strachan. If he has been injured he has a right to call upon me for my authority, and in that case it shall be given him; for I neither wish to hear nor keep secrets regarding public concerns.

The lapse of time, and the public prints, have too truly manifested that there are men who will run in the face of common sense and discretion, merely to gratify their envy and their spleen. The intelligent public never could expect me to reply to the wretched stuff which has been written in opposition to my scheme. Notwithstanding every awkward appearance, and the machinations both of open and covert enemies, its success has far surpassed my utmost expectation. Upwards of forty Reports of Townships, most of them the result of regularly constituted public meetings, have already reached me, besides many letters from individuals; and I do not hesitate to say, that in no country was so much valuable information ever so speedily got together by such simple means.

As I am on the eve of leaving this place, I shall make arrangements to have communications forwarded for me at New York, where I shall remain two or three weeks on my way to England; and thus friends to the cause who have been tardy, will have the latest chance of contributing their aid. The materials already collected will, when pub-

lished at home, arrest great attention: but my anxious wish is, to give every person a fair opportunity of speaking out his sentiments, and that all parts of the province may be impartially represented.

The following Townships above Lake Ontario are still unreported. In the District of Niagara there are, *Niagara, Louth, Grimsby, Gainsborough, Humberstone, Willoughby, Pelham,* and *Bertie.* In the District of Gore, *Nichol, Woolwich, Dumfries, Glanford, Binbrook, Caistor,* and *Clinton.* In the District of London, *Woodhouse, Walpole, Rainham, Houghton, Norwich, Dereham, Blandford,* and *London.* In the Western District, *Romney, Tilbury, Rochester, Mersey, Gosfield, Maidstone, Colchester, Maldon,* and the *Huron Reserve.*

Some of these may have few or no inhabitants to speak for them, in which cases, I shall be glad if any individual, having the means, will take the trouble to send me a short account of their situation, soil and surface, together with any other fact respecting them which may occur as worthy of notice.

On my part, before taking leave of these Districts, there is a duty to perform. It is to return my warmest thanks to the inhabitants for their hospitality and kindness, which rendered my last journey, of a thousand miles, during the worst season of the year, altogether delightful. Should I be spared to retrace my steps, some twenty years hence, what a change may I behold, *if good laws are ably administered!!*

Your's, &c.

ROBERT GOURLAY.

NOTE.

THE Appendix was thus far printed while it was yet thought that two Volumes would complete the Work. It must now be cut short, and Number III. shall be continued in Volume third.

MEMORANDA.

After page 625 was printed off, I became anxious to peruse No. 45 of the North Briton, and the Essay on Women. Getting admission to the British Museum, 17th October, I was much gratified with the perusal of the former; but the latter, strange to say, is not in that repository of curiosities. Surely it ought to be procured and lodged there. It is an important document for the study of English history. What a shame that Wilkes should have been condemned for publishing the North Briton? I am delighted with it, and should have starved rather than have condemned its author. Weak juries have sacrificed our best rights. My opinion of Mr. Wilkes has grown strong since I perused his production called libellous. Perhaps even his Essay on Women had nothing bad in it: perhaps even it was chaste. There are who would call the Bible obscene—who would assert that the New Testament was libellous, were not the Christian religion "parcel of the law of England."

Since page 393 was printed I have enquired into the scheme of management in the Penitentiary at Millbank, and found it admirable: just such an improvement on that of the New York state prison as I had contemplated. Such an establishment should be erected in every county. The colonies should not be polluted with banished villains. We should not throw away money only to spread crime over the world. At Millbank, the prisoners uphold themselves by their labour. Four and Sixpence is the weekly cost of maintenance per man.

END OF THE SECOND VOLUME.

J. G. BARNARD,
87, Skinner Street, London.

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